

WORKSHOP

Workshop on 2011 State and Federal Legislative Priorities

**October 19, 2010
1:30 – 3:00 p.m.**

**Leon County Board of County Commissioners' Chambers
Leon County Courthouse, 5th Floor**

This document distributed October 13, 2010

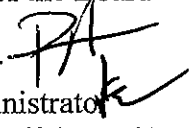
Board of County Commissioners

Workshop Request

Date of Meeting: October 19, 2010

Date Submitted: October 13, 2010

TO: Honorable Chairman and Members of the Board

FROM: Parwez Alam, County Administrator 
Vincent Long, Deputy County Administrator
Ken Morris, Director of Legislative Affairs and Economic Development
Shington Lamy, Special Projects Coordinator

SUBJECT: Workshop on 2011 State and Federal Legislative Priorities

STATEMENT OF ISSUE:

This workshop seeks Board consideration of the state and federal legislative priorities to guide the County's lobbying efforts for the 2011 state legislative session and the first session of the 112th Congress.

BACKGROUND:

Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal level. During the Workshop on the 2010 State and Federal Legislative Priorities, the Board directed staff to refine the County's substantive priorities to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACO) in achieving their broader substantive initiatives (Attachment #1). Based on this direction from the Board, staff has provided six substantive priorities (five state and one federal priority) for the 2011 state and federal legislative sessions.

ANALYSIS:

Staff has identified eight appropriation requests for the 2011 state and federal legislative cycles (please see Attachment #2). Additionally, staff has provided five substantive priorities for the 2011 state legislative session (Attachment #3) and one federal substantive priority for the 112th Congress.

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2011 State and Federal Legislative Programs. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2011. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2011 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified herein by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with FAC. FAC will finalize their 2011 legislative program during their legislative conference on November 17, 2010. These issues are often times the most critical issues facing the County during

the state legislative session. The Board will have an opportunity to communicate its legislative priorities when the County hosts the Leon County Legislative Delegation's public hearing in the Leon County Commission Chambers prior to the legislative session. It is important for the Board to be active participants in the legislative process by testifying on behalf of the County and working with the legislative delegation. Staff will continue to keep the Board involved in legislative issues through agenda items, resolutions, memorandum, "call to action" emails, and weekly *Capital Updates* throughout session.

PROPOSED LEON COUNTY 2011 STATE & FEDERAL LEGISLATIVE SESSION:

Appropriation Requests

(Please Note: For complete information on each, see Attachment #2)

The Board's practice of retaining professional contractual lobbying services, at both the state and federal levels, has been based primarily on increasing the County's chances of obtaining legislative appropriations. Staff works throughout the year to identify County projects for which to submit state and federal appropriations requests. In recent years, the Legislature has not accepted Community Budget Issue Requests (CBIRs), which serve as the primary vehicle for state appropriations, due to the state's severe budget constraints. As a result, no County projects were awarded a state legislative appropriation in 2009 or 2010. Given the state's financial hardship, the state lobbying team concentrated on supporting County policy issues and protecting state programs that assist local governments. Examples include the preseveration of the County's three year \$792,624 grant for the expansion of the mental health services within the local criminal justice system, the continuation of the State Aid to Libraries program, and the exclusion of EMS transport fees from SB 2282 (2009), which prohibited local governments from charging fees for all other first responder services.

Most of the County's efforts for funding community projects over the past two years have been through the American Recovery and Reinvestment Act of 2009 (ARRA) and the federal appropriations process. Due to the state's anticipated \$2.5 billion budget shortfall, staff has refined the Board's top appropriation requests to avoid unrealistic expectations for securing funding for local projects. The 2011 appropriation requests identified below include costly capital projects ranging from transportation projects to public safety needs. In order to maximize the chances for state and federal funds, the County will seek to partner with the City on several projects important to the community including the Public Safety Complex and improvements to Capital Circle NW/SW.

The County has had recent success in obtaining grants for its parks and library programs through the state appropriations process. The Parks and Recreation Division has applied for two grants under the Florida Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) for playground equipment at the Daniel B Chaires Park and the Tower Road Park. The program provides a 100% match for acquisition, development, and improvement of land for public outdoor recreation.

The County has also applied for two Department of State Public Library Construction Grant for the Eastside and Woodville Branch Libraries. The Department of State has ranked these County projects #5 and #19 respectively statewide but it will be difficult for the Legislature to fund this grant program with its \$2.5 billion shortfall. Staff will monitor the Legislature's ability to dedicate funds during the 2011 session to these grant programs to enhance the County's park and library facilities.

The following is the proposed Leon County 2011 State and Federal appropriation requests:

<u>Leon County/ City of Tallahassee Public Safety Complex</u>	\$5 million
Construction of a new facility (total project cost \$50 million) \$23 million set aside by County.	
<u>Capital Circle NW/SW S.R. 20 Intersection Improvement</u>	\$15 million
Construction widening to six lanes and construction of two stormwater ponds.	
<u>Woodville Highway</u>	\$3.4 million
Design for widening from Gaile Ave. to Capital Circle – six lanes.	
<u>Woodville Sewer</u>	\$500,000
Design of Woodville Sewer System.	
<u>Chaires Park (FRDAP)</u>	\$112,500
Purchase of playground equipment.	
<u>Tower Road Park (FRDAP)</u>	\$200,000
Purchase of playground equipment and paving of the parking lot.	
<u>Eastside Branch Library (State Library Construction Grant)</u>	\$500,000
Construction of a new 12,000 square foot Eastside Branch Library.	
<u>Woodville Branch Library (State Library Construction Grant)</u>	\$300,000
Expansion of Woodville Community Center to include a branch library.	

PROPOSED LEON COUNTY 2011 STATE LEGISLATIVE SESSION

Policy Requests

(Please Note: For complete information on each, see Attachment #3)

Like most legislation, much of the County's legislative efforts are incremental and focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or "substantive" legislative issues. Significant substantive issues that have been identified for County participation range from the protection of the state workforce to the implementation of a statewide inspection program for septic tanks. The state's current fiscal challenges and revenue shortfalls are likely to dominate the Legislature's time this year. It will be important for the lobbying team to monitor the budgetary and programmatic decisions made by the Legislature to determine their impact, if any, on local governments in the form of cost shifts or unfunded mandates.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association on Intergovernmental Relations (FAIR) to identify developing issues that effect counties during the session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*) Please find below a refined listing of the proposed Leon County 2011 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific legislative action recommended:

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle. During recent sessions, the Legislature has considered an array of cuts to state employees' overall compensation package, including salary cuts, elimination of health insurance subsidies for retirees, and mandatory contribution into the Florida Retirement System.

Action: Monitor state workforce issues, and advocate for the continued protection of the state workforce and pension system.

Statewide Campaign Contributions

Issue: The citizens of Leon County will determine during the November 2nd General Election whether to include a provision in the Leon County Charter that would lower the campaign contribution limit to \$250 for county commission and county constitutional offices. On August 17, 2010, the Board directed the Chairman to draft a letter to the Leon County Delegation urging the Legislature to lower the campaign contribution limit to \$250 statewide.

Action: Support the reduction of the statewide campaign contribution limit from \$500 to \$250.

Slosberg Driver Education Program

Issue: In recent years, the Leon County School Board's utilization of the Slosberg Driver Education funds has transitioned from capital purchases (vehicles, classroom materials, etc) to the hiring of additional instructional personnel to enhance behind the wheel training. This has coincided with a steady decline in revenues which has forced the School Board to share the cost of one of two FTEs in FY 10. Should the revenues increase in the future, they could not "supplant" what has been provided for by LCSB in FY 10.

Action: Pursue legislation to remedy the supplanting clause of the Dori Slosberg Driver Education Safety Act relating to changes in revenue streams.

Statewide Septic Tank Inspection

Issue: The 2010 Legislature established a statewide inspection program for onsite sewage treatment and disposal systems that will take effect on January 1, 2011. SB 550 requires homeowners with septic tanks to have their systems evaluated every five years; however, it does not require the replacement or upgrade of failed septic systems to advanced or performance based systems. Statewide, citizens have expressed concerns about the cost and state-mandated inspection, which is statutorily capped at \$30, leading to a call to repeal the inspection provisions of SB 550.

Action: Monitor the state's implementation of the statewide septic tank inspection program and any legislation relating to septic tank inspections.

Florida Association of Counties (FAC) Issues

Issue: FAC represents 66 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2011 legislative program during their legislative conference scheduled for November 17, 2010.

Action: Support the 2011 FAC legislative program unless specific issues conflict with the County's priorities.

FEDERAL LEGISLATIVE ISSUES:

The first session of the 112th Congress will begin on January 3, 2011. The Board's practice has been to focus the County's federal legislative program on appropriations issues but has added specific substantive issues from time to time. Most substantive issues that the County has at the federal level are coordinated through the County's National Association of Counties (NACO) representation. At the Board's request, the federal appropriation requests have been combined with the state appropriation requests (Page #3 of the Analysis Section). The Board has recently filed a lawsuit pertaining to the property accessed clean energy (PACE) program (locally referred to as the Leon Energy Assistance Program (LEAP), which has pending legislation before Congress. Staff has prepared a federal policy request and resolution for the 112th Congress and to provide direction to the County's federal lobbying team (*for complete information, see Attachment #4*):

PACE

Issue: Recently, concerns have been raised from certain residential mortgage lenders because PACE financing takes a senior lien position in terms of property-based debt repayment obligations. Specifically, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) assert that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs such as Leon County.

Action: Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

Staff has also prepared a draft Resolution urging Congress, FHFA, Fannie, and Freddie to enact favorable legislation to empower PACE programs, which will be formally adopted by the Board upon ratification of the Workshop on the 2011 State and Federal Legislative Priorities.

Staff continually works with Patton Boggs throughout the year to advocate for the County's targeted appropriation requests. Staff coordinates regularly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant opportunities that could potentially fund County project requests. In addition, Patton Boggs has been submitting monthly memoranda to update the Board on their federal lobbying activities in order to further improve communication between the Board and their federal lobbying firm.

Patton Boggs' September 2010 monthly report provides an update on the congressional appropriations process, the Small Business Jobs Act of 2010, the status of PACE legislation, and information on water supply and quality legislation relating to Florida (Attachment #5). Patton Boggs will be present for the workshop and can provide additional insight on the expectations for the lame duck session following the November 2nd General Election, President Obama's recent push for a \$50 billion infrastructure investment, and a status report on the reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

OPTIONS:

- 1) Approve the 2011 state and federal legislative issues as presented.
- 2) Approve the 2011 state and federal legislative issues as amended by the Board.
- 3) Board Direction.

RECOMMENDATION:

Board Direction.

Attachments:

- #1: January 19, 2010 Ratification of the Workshop on the 2010 State and Federal Legislative Priorities.
- #2: 2011 State and Federal Legislative Session Appropriation Request Forms and Related Materials.
- #3: 2011 State Legislative Session Policy Request Related Materials.
- #4: 2011 Federal Policy Request and Related Materials.
- #5: Patton Boggs' September 2010 Monthly Report.



Board of County Commissioners
Leon County, Florida
www.leoncountyfl.gov

Agenda Item .
Executive Summary

January 19, 2010

Title:

Ratification of Board Actions Taken at the October 27, 2009 Workshop on the 2010 State and Federal Legislative Priorities

Staff:

Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Ken Morris, Director of Legislative Affairs and Economic Development

Issue Briefing:

This agenda item requests Board ratification of actions taken at the October 27, 2009 Workshop on the 2010 State and Federal Legislative Priorities (Attachment #1).

During the presentation and discussion of the legislative priorities, the Board directed staff to refine the County's substantive priorities to the most pressing issues and to support the Florida Association of Counties in achieving its broader substantive initiatives. Based on this direction from the Board, staff has provided five substantive priorities for the 2010 state legislative session (Attachment #2).

1. Opposition of State Cost Shifts to Counties
2. Protection of State Workforce
3. Energy Reform
4. Property Tax Reform
5. Support the Florida Association of Counties

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the October 27, 2009 Workshop on the 2010 State and Federal Legislative Priorities.

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Report and Discussion

Background:

Each year the Board conducts a workshop with staff on the County's state and federal legislative priorities. On October 27, 2009, the Board held a workshop to discuss the legislative issues for the 2010 state and federal sessions.

Analysis:

Deputy County Administrator Vincent Long began the workshop by introducing the County's state contract lobbyists and County staff responsible for the day-to-day oversight of the Board's legislative program. Staff provided the Board an oral report on the seven appropriation requests and the 13 policy statements proposed for the 2010 state and federal legislative sessions. Further, County staff and the contract lobbying team outlined the fiscal challenges facing the state in the current FY 2010 budget year and the anticipated shortfalls for FY 2011.

On October 6, 2009, the Legislature notified the public that it would not open the Community Budget Issue Requests (CBIR) system to consider appropriation requests. This forced the County to refine its appropriations requests to avoid unrealistic expectations for securing state funding for local projects. Most of the County's efforts for funding community projects in 2010 and 2011 will be through the American Recovery and Reinvestment Act of 2009 (ARRA) and the federal appropriations process including the reauthorization of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

During the presentation and discussion of legislative priorities, the Board directed staff to refine the County's substantive priorities to the most pressing issues and to support the Florida Association of Counties in achieving its broader substantive initiatives. Additionally, the Board directed staff to revise the County's position on energy reform to support the "funding of large scale energy production programs" that reduce dependency on foreign oil and promote energy efficiency along with the use of alternative and renewable energies. Based on the direction from the Board, staff has provided five substantive priorities for the 2010 state legislative session (Attachment #2):

1. Opposition of State Cost Shifts to Counties
2. Protection of State Workforce
3. Energy Reform
4. Property Tax Reform
5. Support the Florida Association of Counties

The Board also directed staff to coordinate with other local government entities to determine potential partnerships and shared interests to address during the 2010 legislative session. Commissioner Desloge led this effort and set up a meeting between the County, the City of Tallahassee, and the Leon County School Board. Staff and contract lobbying teams took part in this meeting and outlined their concerns for the disproportionate effect the state's budget shortfall will have on Leon County residents if the Legislature chooses to cut services and layoff employees. This work group plans to address these concerns with members of the Leon County Legislative Delegation and meet again to conceive a plan to offset the potential reduction of the state workforce.

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The Leon County Legislative Delegation meeting is scheduled for January 11, 2010 and the 2010 state legislative session will begin on March 2, 2010. Staff will prepare the Board's legislative priorities in a Quick Reference Guide to assist Commissioners and the lobbying team in advocating at the Capitol with legislators.

Options:

1. Ratify the Board actions taken at the October 27, 2009 Workshop on the 2010 State and Federal Legislative Priorities.
2. Do not ratify actions taken by the Board at the October 27, 2009 Workshop on the 2010 State and Federal Legislative Priorities.
3. Board Direction.

Recommendation:

Option #1.

Attachments:

1. October 27, 2009 Workshop Item on the 2010 State and Federal Legislative Priorities.
2. Leon County's 2010 Substantive Policy Issues for the 2010 State Legislative Session.

PA/VSL/KM

2011 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Administration Contact: Alan Rosenzweig

Phone: 606-5300 Fax: 606-5301 E-Mail: Rosenzweigai@leoncountyfl.gov

Project Title: Leon County/City of Tallahassee Public Safety Complex

1. Project Description:

On December 13, 2006, Leon County, the Leon County Sheriff, and the City of Tallahassee executed a Memorandum of Agreement to pursue a joint dispatch center for the purposes of dispatching all law enforcement, fire, and emergency medical services. Subsequently, the County and City agreed to expand the facility to include the Emergency Medical Services Center, Transportation Management Center, Emergency Operation Center, and administrative space for the Tallahassee Fire Department, to form the Public Safety Complex.

2. Purpose of Project and Outcome Expected:

Currently, the City of Tallahassee dispatches Tallahassee law enforcement officers and firefighters while the Sheriff's Office dispatches Sheriff Deputies and EMS personnel. The placement of the joint dispatch center in the Public Safety Complex will ensure that the closest available unit is dispatched to an emergency, reducing the response time during a critical emergency in a coordinated manner. In addition, the consolidation of the Emergency Medical Services (EMS) and the Tallahassee Fire Department Administrative offices within the Center will enhance the sustainability of the facility, optimize the support systems and allow the project to take financial advantage of larger volume contracts while reducing the long-term operating and maintenance costs.

In February 2010, the County received an appropriation in the amount of \$2.1 million as part of the FY 2010 federal appropriation for wind retrofit of the Joint Public Safety Dispatch Center. The proposed wind retrofit will provide protection to the entire building located at the intersection of Weems Road and Easterwood Drive and will be able to withstand 200 m.p.h. sustained wind speeds, meeting FEMA guidelines. The improvements to the building will include installing impact resistant windows and doors.

3. Service Provided/Benefit to State:

This project will improve the coordination of both emergency and non emergency calls for efficient deployment of public safety resources. A public safety complex is in the best interest of the health and safety of the community.

4. Population Served:

All Leon County and City of Tallahassee residents, transients, and visitors.

5. Projected Dates for Construction/Operation:

Based upon funding, construction could begin in early 2011. The Public Safety Complex will be located on a County-owned property.

6. Funding:
Federal Funding Requested (as applicable): **\$5 million for construction**
State Funding Requested (as applicable): **\$5 million for construction**
Present or Pending Funding Sources (including county): **\$47 million**

2011 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000 Contact: Jim Davis

Phone: 701-2740 Fax: 701-2790 E-Mail: james.davis@Blueprint 2000.org

Project Title: Capital Circle NW/SW (State Road 20 Intersection Improvement)

1. Project Description:

The project is to widen the intersection of SR 20 on Capital Circle NW/SW to six-lanes and for the construction of two large stormwater treatment ponds to support stormwater improvement adjacent to the road. The intersection of SR 20 and CCNW is an important junction in the efficiency of traffic movements along both roadway corridors. Construction of CCNW/SW, from US 90 to just north of the SR 20 intersection, is funded primarily by Blueprint 2000 with \$46.8 million currently available (including \$8 million in SAFETEA-LU funds). However, with the recent reduction in sales tax receipts, and other potential difficulties with the bond market, construction of the intersection improvements at SR 20 is unfunded. An additional \$15 million is required to construct the intersection improvements at the SR 20 and CCNW/SW juncture. The project also includes significant landscaping as well as bicycle and pedestrian amenities.

2. Purpose of Project and Outcome Expected:

Capital Circle is a major arterial roadway circling the Tallahassee urban area. It links a major expressway (Interstate 10) with US 27 and US 90, and US 319. Segments of Capital Circle have been widened with a significant portion of the improvements being either directly funded or advance-funded by the City of Tallahassee or Leon County.

With the recent reduction in sales tax receipts, and other potential difficulties with the bond market, construction of the intersection improvements at SR 20 is unfunded. An additional \$15 million is required to construct the intersection improvements at the SR 20 and CCNW/SW juncture. This project is currently at 95% design completion and all of the right-of-way will be acquired within 180 days. The project is a joint funded effort with Blueprint 2000 handling the design and construction and FDOT funding right-of-way costs. FDOT provided \$42 million for right-of-way costs.

3. Service Provided/Benefit to State:

The Leon County and Tallahassee Commissions through their "Southern Strategy" are attempting to spur economic growth in the southern area of the County and City with a combination of roadway improvements, sector planning efforts, growth management and economic incentives. This project also provides a much needed connector between the Tallahassee Regional Airport, US 27 and US 90 East, which provides access to Interstate 10. This also serves as one of the primary evacuation routes from the central coastal panhandle.

4. Population Served:
All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 20,400 and is expected to increase to 40,900 by the year 2030.
5. Projected Dates for Construction/Operation:
Construction would commence once funding is available with a duration of 18-24 months.
6. Funding:
Federal Funding Requested (as applicable): **\$15 million**
State Funding Requested (as applicable): **\$15 million**
Present or Pending Funding Sources (including county):

2011 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: _____

Department/Division: CRTPA Contact: Harry Reed

Phone: 891-6815 Fax: 891-6809 E-Mail: Harry.Reed@talgov.com

Project Title: Woodville Highway

1. Project Description:

This project is for the design of Woodville Highway to widen the existing two-lane segment to four lanes from Gaile Avenue to Capital Circle.

2. Purpose of Project and Outcome Expected:

Woodville Highway connects to major arterials systems including Capital Circle and Monroe Street and serves as a major evacuation route from the Coastal Highway (US 98). This road is frequented by residents of Wakulla County that work in Leon County. It is anticipated that the volume of traffic will continue to increase as the Capital Circle Office Complex, which houses a number of state agencies, continues to expand.

Funding has been identified for a corridor study, PD&E study and for design. During the FY 06/07 budget process the Board budgeted \$2.1 million for Woodville Highway. On September 18, 2007, the Board approved a Joint Project Agreement with FDOT to perform a PD&E study for a portion of Woodville Highway from Gaile Avenue to Capital Circle. On March 11, 2008, the Board authorized the expenditures of funds up to \$175,000 to match funds from FDOT to perform a Corridor Master Plan for a portion of Woodville Highway from Gaile Avenue to Commerce Boulevard.

On July 15, 2010 CRTPA held a meeting with property owners and residents to kick-off a corridor study that will be utilized to develop the Corridor Master Plan. The study is expected to be completed in 2011. The PD&E study is fully funded and is expected to be completed in 2012.

This project is #5 on the CRTPA Priority Project List. At the completion of this project it is anticipated that there will be significant improvement in commuter access through southern Leon County and northern Wakulla County, improved freight movement from the coast and improved hurricane evacuation options.

3. Service Provided/Benefit to State:

Leon County and the City of Tallahassee through their joint "Southern Strategy" are attempting to spur economic growth in the southern area of the city/county with a combination of roadway improvements, sector planning efforts, growth management and economic incentives. Woodville Highway also serves as one of the primary evacuation routes from the central coastal panhandle.

4. Population Served:
All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 12,900. This road serves as one of two links to the coast via Wakulla County.
5. Projected Dates for Construction/Operation:
Due to the time necessary for the corridor study, project design, and right-of-way acquisition, construction commencement will be determined at a future date by FDOT.
6. Funding:
Federal Funding Requested (as applicable): **\$3.4 million for design**
State Funding Requested (as applicable):
Present or Pending Funding Sources (including county): **\$2.1 million for PD&E and design**

2011 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Public Works/Engineering Services Contact: Tony Park/ Joe Brown

Phone: 606-1500 Fax: 606-1501 E-Mail: parkt@leoncountyfl.gov

Project Title: Woodville Sewer Project

1. Project Description:

This project is for the design of a sewer system to provide sewer services to approximately 1,432 homes or properties located within the Woodville area of Leon County. These homes are located upstream to Wakulla Springs and threaten one of the world's largest and deepest freshwater springs.

2. Purpose of project and outcome expected:

Providing sewer service will eliminate the need for septic tanks which, in the event of failure, can cause environmental concerns and impacts.

3. Service Provided/Benefit to State:

The Leon County Comprehensive Plan provides that all waste water is to be treated and disposed of in a manner that protects natural resources and public health. (Note: The State of Florida has acquired more than half of the 6,500 acre buffer zone around Wakulla Springs acknowledging the importance of preserving this natural habitat).

4. Population Served:

Approximately 1,500 homes directly impacted in Leon County. Wakulla Springs is also home to a state park that has thousands of visitors each year.

5. Projected Dates for Construction/Operation:

During the County's FY 07/08 budget workshop, the Board discontinued the funding of non-mandatory capital projects. A number of sewer projects were approved for discontinuation including the Woodville project. Due to the time necessary for the studies, project design, and right-of-way acquisition, construction may not commence for several years.

6. Funding:

Federal Funding Requested (as applicable): **\$500,000 for design**

State Funding Requested (as applicable): **\$500,000 for design**

Present or Pending Funding Sources (including county): **\$250,000 from the Florida Legislature for construction**

2011 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Parks & Recreation Contact: Pat Plocek

Phone: 606-1475 Fax: 606-1471 E-Mail: plocekp@leoncountyfl.gov

Project Title: Daniel B. Chaires Park Playground Equipment (FRDAP)

1. Project Description:
This project is for playground equipment at the Daniel B. Chaires Park through the Florida Recreation Development Assistance Program (FRDAP) Grant Process.
2. Purpose of project and outcome expected:
Currently, Chaires Park does not have any playground equipment. This grant would enable playground equipment to be installed and improvements to be made to the trail system at Chaires Park.
3. Service Provided/Benefit to State:
Provide playground equipment that will provide an active exercise activity for children.
4. Population Served:
This unit will serve the population between Mahan Road and Tram Road from the City line to the County line.
5. Projected Dates for Construction/Operation:
At the present time, without state funding this project would not be constructed for at least five years.
6. Funding:
Federal Funding Requested (as applicable):
State Funding Requested (as applicable): **\$112,500**
Present or Pending Funding Sources (including county): **\$37,500**

2011 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Parks & Recreation Contact: Pat Plocek

Phone: 606-1475 Fax: 606-1471 E-Mail: plocekp@leoncountyfl.gov

Project Title: Tower Road Park Playground Equipment & Parking Paving (FRDAP)

1. Project Description:

This project is for playground equipment and a paved parking lot at the Tower Road Park through the Florida Recreation Development Assistance Program (FRDAP) Grant Process.

2. Purpose of project and outcome expected:

The current playground equipment at Tower Road Park is obsolete. Additionally, the Park provides a small gravel parking lot which is inadequate for the baseball, football, and soccer games. This grant would install new playground equipment and pave the parking lot which would provide additional space.

3. Service Provided/Benefit to State:

Provide playground equipment that will provide an active exercise activity for children.

4. Population Served:

This unit will serve the Northwest population of the County.

5. Projected Dates for Construction/Operation:

At the present time, without state funding this project would not be constructed for at least five years.

6. Funding:

Federal Funding Requested (as applicable):

State Funding Requested (as applicable): **\$200,000**

Present or Pending Funding Sources (including county): **\$200,000**

2011 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Public Service/Library Contact: Cay Hohmeister

Phone: 606-2665 Fax: 606-2601 E-Mail: hohmeisterc@leoncountyfl.gov

Project Title: State Public Library Construction Grant for the Eastside Branch Library

1. Project Description:

The grant would fund \$500,000 toward construction of a new Eastside Branch Library in Leon County.

2. Purpose of project and outcome expected:

The 12,000 square foot new branch library will serve the large population residing in the Eastside sector of Leon County. This area is anticipated to serve approximately 40,000 residents with full library services. Library services assist people of all ages through programs, books, media, computer classes, literacy classes and other educational services. Library services can improve educational attainment, retention, and provide and economic benefit to the community.

3. Service Provided/Benefit to State:

Library services to the public have a positive impact on education and the economy. The LeRoy Collins Leon County Public Library participates in Ask-A-Librarian, the statewide 24/7 reference service. The LeRoy Collins Leon County Public Library System lends over 3,000 materials a year to other libraries in the state, a value of \$90,000. The library is open to all residents of Florida for Internet service, computer use, and all programs. Location in the capital city of Florida brings many statewide visitors who are welcomed to the library to use computers, attend programs, use research services and the Internet.

The Florida Department of State ranked the Eastside Library #5 on its FY10-11 Public Library Construction Grant Priority List. The priority list will be presented to the Legislature as part of the state budget process.

4. Population Served:

The entire population of Leon County will benefit from the State Construction Grant through its six library facilities, bookmobile, and outreach services.

5. Projected Dates for Construction/Operation:

The branch library could be completed by late 2011.

6. Funding:

Federal Funding Requested (as applicable):

State Funding Requested (as applicable): **\$500,000 for construction**

Pending Funding Sources (including county): **\$6.4 million**

2011 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: X

Department/Division: Public Service/Library Contact: Cay Hohmeister

Phone: 606-2665 Fax: 606-2601 E-Mail: hohmeisterc@leoncountyfl.gov

Project Title: State Public Library Construction Grant for the Woodville Branch Library

1. Project Description:

The grant would fund \$500,000 toward construction of a new Woodville Branch Library in Leon County.

2. Purpose of project and outcome expected:

This project will expand the Woodville Community Center to include a 2,000 square feet new branch library that will serve the Woodville community of Leon County. This area is anticipated to serve approximately 8,500 residents with full library services. Library services assist people of all ages through programs, books, media, computer classes, literacy classes and other educational services. Library services can improve educational attainment, retention, and provide and economic benefit to the community.

3. Service Provided/Benefit to State:

Library services to the public have a positive impact on education and the economy. The LeRoy Collins Leon County Public Library participates in Ask-A-Librarian, the statewide 24/7 reference service. The LeRoy Collins Leon County Public Library System lends over 3,000 materials a year to other libraries in the state, a value of \$90,000. The library is open to all residents of Florida for Internet service, computer use, and all programs. Location in the capital city of Florida brings many statewide visitors who are welcomed to the library to use computers, attend programs, use research services and the Internet.

The Florida Department of State ranked the Woodville Library #19 on its FY10-11 Public Library Construction Grant Priority List. The priority list will be presented to the Legislature as part of the state budget process.

4. Population Served:

The entire population of Leon County will benefit from the State Construction Grant through its six library facilities, bookmobile, and outreach services.

5. Projected Dates for Construction/Operation:

The branch library could be completed by early 2011.

6. Funding:

Federal Funding Requested (as applicable):

State Funding Requested (as applicable): **\$300,000 for construction**

Pending Funding Sources (including county): **\$750,000**

2011 State Legislative Session
Legislative Proposal

Department / Division: Administration Contact Person: Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: morrisk@leoncountyfl.gov

Topic: **Protection of State Workforce**

Problem/Need

State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.

State employees last received a raise in FY 2007, in the amount of 3%, followed by a one-time \$1,000 bonus in FY 2008. Furthermore, state employees enrolled in an HMO will see an increase in their co-payments starting on January 1, 2011. During recent sessions, the Legislature has considered an array of cuts to state employees' overall compensation package, including salary cuts, elimination of health insurance subsidies for retirees, and mandatory contribution into the Florida Retirement System. These proposals are expected to be introduced again during the 2011 legislative session.

Recommended County Position, Recommended Change in Florida Statutes:

Monitor state workforce issues, and advocate for the continued protection of the state workforce and pension system.

2011 State Legislative Session
Legislative Proposal

Department / Division: County Administration Contact Person: Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: Morrisk@leoncountyfl.gov

Topic: **Statewide Campaign Contributions**

Problem/Need:

Section 106.08, F.S. limits contributions to candidates by a person to \$500 for all state and local elected offices. The citizens of Leon County will determine during the November 2nd General Election whether to include a provision in the Leon County Charter that would lower the campaign contribution limit to \$250 for county commission and county constitutional offices. Alachua and Sarasota counties have adopted charter amendments that establish \$250 campaign contribution limits in their respective jurisdictions.

On August 17, 2010, the Board directed the Chairman to draft a letter to the Leon County Delegation urging the Legislature to lower the campaign contribution limit to \$250 statewide.

Recommended County Position, Recommended Change in Florida Statutes:

Support the reduction of the statewide campaign contribution limit from \$500 to \$250.

2011 State Legislative Session

Legislative Proposal

Department / Division: County AdministrationContact Person: Ken MorrisPhone: 606-5300Fax: 606-5301E-Mail: Morrisk@leoncountyfl.govTopic: Slosberg Driver Education Program**Problem/Need:**

On September 24, 2002, the Board adopted Ordinance #2002-20, providing for an additional \$3.00 civil traffic penalty in Leon County effective October 1, 2002. The purpose of the additional funds is to support expanded drivers' education programs in public and nonpublic schools in accordance with the "Dori Slosberg Driver Education Safety Act" under section 318.1215, Florida Statutes. Since FY 02/03, the Board has contracted with the Leon County School Board (LCSB) on a year to year basis for expanded driver education services by providing funding for equipment, classroom materials, computer simulators, instructional vehicles, and additional instructional personnel. Section 318.1215, Florida Statutes also prohibits these funds from supplanting previously dedicated funds for driver education.

In recent years, LCSB's utilization of these funds has transitioned from capital purchases (vehicles, classroom materials, etc) to the hiring of additional instructional personnel to enhance behind the wheel training. This has coincided with a steady decline in revenues which has forced LCSB to share the cost of one of two FTEs. Should the revenues increase in the future, they could not "supplant" what has been provided for by LCSB in FY 10.

Table #1: Slosberg Revenues

<i>Fiscal Year</i>	<i>Approximate Revenues</i>
FY 08	\$148,000
FY 09	\$135,000
FY 10	\$121,000
FY 11	\$110,000 (projected)

It is also important to note that the Board does have the option to increase the \$3.00 civic traffic penalty to \$5.00 to increase revenues for this program but that would not resolve the "supplanting" conflict.

Recommended County Position, Recommended Change in Florida Statutes:

Pursue legislation to remedy the supplanting clause of the Dori Slosberg Driver Education Safety Act relating to changes in revenue streams.

2011 State Legislative Session
Legislative Proposal

Department / Division: County Administration Contact Person: Ken Morris

Phone: 606-5300 Fax: 606-5301 E-Mail: Morrisk@leoncountyfl.gov

Topic: **Statewide Septic Tank Inspection**

Problem/Need:

The 2010 Legislature established a statewide inspection program for onsite sewage treatment and disposal systems that will take effect on January 1, 2011. SB 550 requires homeowners with septic tanks to have their systems evaluated every five years; however, it does not require the replacement or upgrade of failed septic systems to advanced or performance based systems.

In addition, SB 550 created a statewide grant program to assist low-income households for the purpose of inspecting, pumping, repairing, or replacing an onsite sewage treatment disposal system serving a single-family residence that is owner-occupied. Income requirements for participation have been established at a family income less than 133% of the federal poverty level.

Locally, citizens have expressed concerns about the cost and state-mandated inspection for those that do not meet the income guideline for financial assistance. The evaluation fee is set by Florida Statute between \$15-\$30.

Recommended County Position, Recommended Change in Florida Statutes:

Monitor the state's implementation of the statewide septic tank inspection program and any legislation relating to septic tank inspections.

2011 State Legislative Session
Legislative Proposal

Department / Division: Administration

Contact Person: Ken Morris

Phone: 606-5300

Fax: 606-5301

E-Mail: morrisk@leoncountyfl.gov

Topic: **Florida Association of Counties**

Problem/Need

FAC represents 66 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2011 legislative program during their legislative conference scheduled for November 17, 2010.

Recommended County Position, Recommended Change in Florida Statutes:

Support the 2011 FAC legislative program unless specific issues conflict with Leon County's interests.

Attachment:

FAC's 2011 Draft Policy Statements



**Public Safety
Policy Committee**
DRAFT 2011 Draft Policy Statements

Public Safety Section

Sarah Carroll, Legislative Advocate II
Email: scarroll@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

GENERAL PUBLIC SAFETY

- **Automated Traffic Enforcement:** **SUPPORT** legislation that would allow counties and municipalities to use automated traffic enforcement technology at intersections to combat the increasing problem of red light running.
- **Correctional Policy Advisory Council:** **SUPPORT** the evaluation of correctional policies, justice reinvestment initiatives, and laws affecting or applicable to corrections at the state and local level by the Correctional Policy Advisory Council, as created by SB 2000 in 2008, including the study of the effects of laws creating mandatory sentencing.
- Crystal Methamphetamine:** **SUPPORT** dedicated state funding for local and regional crystal methamphetamine enforcement, cleanup, and treatment.
- County Emergency Radio Systems:** **OPPOSE** legislation that would shift funds away, or impede counties from, building and maintaining an interoperable radio communication system as authorized by statute.
- **Crime Lab Funding:** **SUPPORT** additional funding to address the existing funding disparity between state and locally-operated crime analysis laboratories.
- **Ex-Offender Task Force:** **SUPPORT** the findings and recommendations of the Ex-Offender Task Force.

Fireworks Regulation: **SUPPORT** revisions to Chapter 791, F.S., which strengthens state and local regulations of the sale of fireworks and their illegal use. **OPPOSE** legislation that limits local regulation, or enforcement, of illegal fireworks.

Fiscal Responsibility: **OPPOSE** legislation that amends, or creates, a criminal justice policy that does not determine and disclose the fiscal impact on counties. **OPPOSE** legislation that is predicted to have a substantial fiscal impact on county jails, but fails to provide counties a mechanism to recapture costs of implementation.

JUDICIAL SYSTEM

→ **Article V: SUPPORT** reducing or eliminating the requirements of s. 29.008(4)(a), F.S., that require counties to fund certain court expenditures by 1.5 percent over the prior county fiscal year.

Communication Services re: Article V: SUPPORT the elimination of county responsibility for funding subpoena services, auxiliary aids, courier services, phone services, and other line or communication services charges, as communications requirements. **SUPPORT** limiting county responsibility for information technology needs of the courts and court stakeholders to the infrastructure necessary for the communication of computer terminals (i.e., cabling, routers, switches, and network firewalls used to connect and integrate nodes). **SUPPORT** the elimination of the provisions requiring counties to fund enhancements and upgrades to existing radio systems and existing Criminal Justice Information Systems.

Drug Court Funding: SUPPORT legislation that would allow each county in which a drug court program has been established under s. 397.334, F.S., to require by ordinance the assessment of a mandatory cost in the sum of \$6 which may be assessed by both the circuit court and the county court against each person who either a) Pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of Chapter 893, F.S., b) Pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a municipal ordinance or a county ordinance, or c) Pays a fine or civil penalty for any violation of Chapter 316, F.S., to fund any aspect of the Criminal Conflict and Civil Regional Councils.

Funding for Court Related Programs: SUPPORT the continuation, and enhancement of the \$2.00 recording fee to be distributed to counties for use in funding the court-related technology needs of the state attorneys, public defenders, and state trial courts. **SUPPORT** the capping of the counties' funding responsibilities for these technology needs to the amount of revenue that is generated by the recording fee. **OPPOSE** policy that requires counties to be responsible for court-related technology needs beyond that of the state attorneys, the public defenders, and state trial courts. **SUPPORT** the continuation and enhancement of the amount of state imposed and local option court costs and fees to include the expansion of the \$65.00 court cost on civil offenses for use in funding court innovations, legal aid, law libraries, teen court, and any other local programs deemed appropriate by counties.

Local Requirements: SUPPORT elimination of the requirement that counties fund teen courts, court innovations, and law libraries. **SUPPORT** eliminating the statutory requirement that counties fund legal aid programs and **SUPPORT** the development of alternative state funding sources for legal aid programs. Also, **SUPPORT** the elimination of the requirement that each county fund alternative sanction coordinators, as required under Florida Statutes.

Local Ordinance Violation Caps: **SUPPORT** legislation that raises the cap on county ordinance violations in s. 125.69, F.S., to \$1,000.

Prosecution and Defense of Local Ordinance Violations: **SUPPORT** creation of county authority to negotiate the statutory \$50.00 hourly rate under s. 27.34(1), F.S., with the local state attorney and under s. 27.54(2), F.S., with the local public defender for the prosecution and defense of local ordinance violations. **SUPPORT** the protection of local prosecutors by exempting from public records law, specific personal information of those who prosecute local ordinances.

- **Pre-Trial Release:** **SUPPORT** maintaining county ability to provide non-monetary pre-trial release services that ensure the safety and welfare of local communities. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and certification of defendants for release and eliminating the presumption of release on non-monetary conditions. **SUPPORT** changing pretrial program reporting requirements as provided in s. 907.043, F.S., from weekly to monthly updates. **SUPPORT** legislation that allows counties to impose pre-trial release fees based on an individual's ability to pay.

Judicial Funding:

- **Criminal Conflict and Civil Regional Counsels:** **SUPPORT** the elimination of the provisions that require counties to fund any aspect of the Criminal Conflict and Civil Regional Counsels. **OPPOSE** any attempts to restore the Office of Criminal Conflict and Civil Regional Counsels or any additional pass down of costs relating to these counsels.

Small County Courthouse Funding: **SUPPORT** continued state general revenue funding for capital improvements to county courthouses and other court-related facilities located in rural counties.

- **Traffic Hearing Officer Program:** **SUPPORT** full funding for traffic hearing officer programs statewide and allow magistrates to handle cases resulting from red light camera offenses. ~~restoring all funds eliminated from this important public safety program during FY 2007-08 and FY 2008-09.~~ In addition, **SUPPORT** a local option surcharge up to \$3 on all traffic-related violations to provide continued funding for traffic hearing officer programs around the state.

IMPACTS TO COUNTY JAILS

- **Enforcement of Immigration Laws: Illegal Aliens:** **SUPPORT** full federal reimbursement to counties for all costs related to detaining, and transporting undocumented immigrants. **SUPPORT** federal training dollars for county law enforcement officers who wish to enforce immigration laws. **SUPPORT** the

reauthorization of the State Criminal Alien Assistance Program (SCAAP), to reimburse state and local costs of incarcerating undocumented criminal aliens.

→ **Inmate Medical Costs: SUPPORT** legislation that reduces jail expenses by setting a standardized statewide reimbursement amount paid by counties to medical providers for health care services provided to inmates and arrestees at the established Medicaid rate or less.

→ **Violators of Probation (VOPs): SUPPORT** legislation that requires the state to house VOPs who are alleged to have committed a qualifying offense as defined in s. 948.06, F.S., while awaiting disposition and transfer. **SUPPORT** limiting the number of days a felony VOP can be held in a county jail, prior to disposition, to 30 days. **SUPPORT** legislation that prohibits inmates who are sentenced for 366 days or more from serving their sentences in county jails after October 1, 2009. **SUPPORT** legislation that requires the Florida Department of Corrections (DOC) to pay for "prisoners" ("prisoner" is defined as an offender who is incarcerated for at least 366 days or more, or a felony VOP that is held in a county jail, prior to disposition, for more than 30 days) housed in county jails based on DOC's past annual estimated cost per day.

Mentally Ill and Substance Abuse: SUPPORT increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program with recurring dollars in a trust fund. **SUPPORT** sustainable matching state funds to counties that have received both planning and implementation Reinvestment Grant funds.

JUVENILE JUSTICE

Blueprint Commission: SUPPORT the findings and recommendations of DJJ's Blueprint Commission report.

→ **Detention Cost Share: SUPPORT** legislation that would give counties the option to invest in locally operated detention facilities and detention alternatives by reducing the number of children in the state's detention facilities, ultimately reducing the amount counties contribute to the Department of Juvenile Justice (DJJ) Shared County State Trust Fund. ~~Detention alternatives should create efficiencies in the juvenile system through reducing the number of Failure to Appear for juvenile delinquency hearings and ensuring that the public is safe while youth are awaiting case disposition.~~

~~**SUPPORT** legislation that would implement a monthly reconciliation system for purposes of secure detention.~~

SUPPORT legislation creating an expenditure and operational efficiency review team made up of county and state representatives to discuss and review DJJ operations, as well as alternatives to detention. This team would provide genuine budget input at the

time DJJ makes its legislative budget request for budget sections affecting counties, and would focus on community efforts that divert children from detention.

SUPPORT legislation that would establish a set per diem rate to create predictability and fairness in the cost of secure detention.

Cost of Care: SUPPORT legislation allowing counties to charge juveniles, or the parents of juveniles, for the costs of providing pre-adjudicatory, secure detention care based on their availability to pay.

Detention Risk Assessment Instrument (DRAI): SUPPORT legislation that implements juvenile detention alternatives and revises the DRAI to divert children from detention facilities.

Juvenile Assessment Centers (JAC Centers): SUPPORT uniform state funding of JAC Centers throughout Florida to strive to achieve equal treatment of youth offenders.

Federal Issues:

Federal Benefits for Eligible Medicaid and Medicare Eligible Prisoners:
SUPPORT allowing persons charged and incarcerated, but not convicted, to continue to be eligible for federal medical benefits until such time as they may be convicted and sentenced to a prison facility.

SUPPORT full federal funding of the Second Chance Act.

**Emergency Management
Section**Eric Poole, Assistant Legislative Director
Email: epoole@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

Disaster Funding: SUPPORT a 50/50 cost-share arrangement with the state for the non-federal portion of the Hazard Mitigation Grant Program (HMGP). **SUPPORT** the current HMGP fund allocation and project selection process developed by the DCA, and as defined in Rule 9G-22, Florida Administrative Code. **SUPPORT** the creation of an emergency bridge loan program for counties to provide a source of expedient cash flow to counties impacted by a major catastrophe. Alternatively, **SUPPORT** expanding the current Florida Small Business Emergency Loan Program by making counties eligible applicants.

Emergency Management Preparedness and Assistance (EMPA) Trust Fund: SUPPORT maintaining the original intent and purpose of the EMPA Trust Fund, which is to serve as a funding source for state and local emergency management programs, by ensuring that all monies collected for purposes of funding emergency management, preparedness and assistance are deposited into the EMPA Trust Fund and spent on emergency management activities. **SUPPORT** changes to the EMPA trust fund by ensuring the \$2.00 and \$4.00 annual surcharge on all homeowner and business insurance policies is assessed on either a per-parcel or per-unit basis of coverage, rather than on a single policy. **SUPPORT** a repeal of the seven percent service charge on the EMPA trust fund and redirect these monies back to the counties in the same manner in which the EMPA base grant is distributed.

Emergency Operation Centers (EOCs): SUPPORT continued state funding for county EOCs to ensure each is able to meet the minimum structural survivability and operational space criteria established by the state and federal government and the American Red Cross.

Non-Emergency Governmental Telephone System: SUPPORT creating a statewide grant program to support 2-1-1 and 3-1-1 telephone systems to provide seamless government access and relieve calls from 9-1-1 that are important but non-emergencies.

Shelter Funding and Standards: Consistent with the provisions of s. 252.385, F.S., which states that it is the intent of the Legislature that this state not have a deficit of safe shelter space by 1998 and thereafter, **SUPPORT** additional state funding for hurricane shelter spaces, including retrofitting existing facilities, and providing for the increased cost of construction for Enhanced Hurricane Protection Areas (EHPA) associated with new school construction. **SUPPORT** statutory revisions requiring nursing homes and assisted living facilities to have back-up power supply sources that operate a majority of the mechanical systems in the facility for a minimum of 72 hours. **SUPPORT** state funding for county and regional special needs patients and shelters.

Emergency Management Credentialing: To strengthen the professionalism of County Emergency Management Directors, **SUPPORT** efforts that provide enhanced training and education opportunities for County Emergency Management employees. **OPPOSE** any state mandated training and hiring requirements for County Emergency Management Directors.



Growth, Environmental Planning & Agriculture Policy Committee

DRAFT 2011 Policy Statements

Growth Management Section

Eric Poole, Assistant Legislative Director
Email: epoole@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

GENERAL PLANNING ISSUES

- **Florida's Growth Management Framework:** FAC **SUPPORTS** the purpose and intent of the Local Government Comprehensive Planning Act, which is to strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources.
- **State's Role in Growth Management:** FAC **SUPPORTS** a state role in growth management that will:
 - Recognize the fundamental principle of county home rule power, which enables counties to develop local solutions to local problems;
 - Foster partnerships with counties to ensure local planning goals are realized;
 - Provide an appropriate vision and strategy for how the state should grow;
 - Provide funding for key infrastructure systems; and
 - Provide appropriate oversight in land use matters to minimize extra-jurisdictional conflicts.
- **Role of the Department of Community Affairs:** Recognizing the state's need for comprehensive planning and strategic growth management, FAC **SUPPORTS** the Department of Community Affairs (DCA) as the State Land Planning Agency and, in the interest of all citizens, **SUPPORTS** having the agency maintain this responsibility. To ensure DCA can effectively carry out its responsibilities, serve as a technical resource for local governments, and implement a growth management vision for the state, FAC **SUPPORTS** state funding to the agency at a level that ensures it can meet these responsibilities. **SUPPORT** DCA's working effectively with counties to make the comprehensive review process more efficient.

Concurrency: Recognizing that growth and development place significant demands on county infrastructure facilities, **SUPPORT** the following:

- The state's infrastructure concurrency requirements on local governments as an essential timing tool for managing growth;
- A county's right to implement concurrency provisions that are more restrictive than state law; and

- Statutory changes allowing counties, by local option, to provide concurrency exemptions for development projects that demonstrate permanent job creation or that facilitate urban infill development.

- **Adequate Transportation Facilities:** In the absence of state-mandated transportation concurrency, and to ensure that the roads needed to support new development are concurrent with the impacts of that development, **SUPPORT** county home rule authority, and current statutory provisions, which allow counties to retain their current transportation concurrency systems, as adopted by local ordinance.
- **County Land Use Power:** **SUPPORT** maintaining the power of a county charter provision to control land use and regulatory issues on a county-wide basis. **OPPOSE** efforts to diminish the authority of county charter provisions, county ordinances and other county regulations to control land use and growth management regulatory issues on a county-wide basis. **OPPOSE** revisions that lessen county oversight and participation in the annexation process, including weakening the power of charter provisions to control voluntary annexation methods.

Developments of Regional Impact (DRI): **SUPPORT** the DRI program as a process for ensuring large-scale development projects that affect more than one jurisdiction receive a heightened level of review. **SUPPORT** changes that 1) strengthen the intergovernmental review process of DRIs, 2) ensure that the development impacts occurring outside the approving jurisdiction are adequately mitigated, 3) eliminate unnecessary duplication and expenses, and 4) enhance the role of Regional Planning Councils (RPCs).

Growth Management: **OPPOSE** legislation that erodes county authority to regulate development pursuant to the Growth Management Act of 1985.

Intergovernmental Coordination: **SUPPORT** efforts to strengthen intergovernmental coordination so that land use decisions of one jurisdiction do not negatively impact another.

Mobility Fees: **SUPPORT** the study of alternative approaches to transportation funding and concurrency, including so-called mobility fees, provided there is adequate input from county governments. **OPPOSE** any legislative mandate requiring counties to adopt such alternatives in place of existing concurrency requirements.

Proportionate Fair-Share Mitigation: FAC believes that the use of Proportionate Fair-Share Mitigation for transportation impacts should be at the discretion of the local government, rather than a right of the developer. Furthermore, FAC recognizes that recent legislative changes to this process may preclude counties from actually charging a developer its proportionate share of any scheduled road improvement. Accordingly, FAC **SUPPORTS** the following:

- Clarifying the proportionate fair share methodology to ensure that development pays its proportionate share of impacts to all affected transportation facilities; and
- Clarifying language in statute that requires local governments to apply a credit only to that portion of any transportation impact fee that would have been used to fund the same improvements on which a proportionate fair share contribution is calculated.

Additionally, FAC **OPPOSES**:

- Any legislative changes that mandate counties to expand the use of proportionate share payments on road segments not included in the Five Year Capital Improvements Element; and
- Any effort to modify the existing statutory formula for calculating proportionate share payments.

Public Participation: **SUPPORT** legislative efforts to increase public participation in the local planning process, provided those efforts do not create additional costs to counties.

School Concurrency: FAC recognizes the importance of improving the link between development and school capacity and **SUPPORTS** school concurrency as currently provided in law, including the provision requiring school boards, as developers, to pay their proportionate share of the cost of off-site system improvements.

State Infrastructure Project Consistency: **SUPPORT** legislation requiring that infrastructure projects and land-purchasing programs of the state be consistent with the local comprehensive plan.

INFRASTRUCTURE FUNDING

Growth Management and Infrastructure Funding: To ensure counties are able to meet the state's concurrency mandate, **SUPPORT** the following:

- Legislation that provides additional local revenue sources to fund public infrastructure needs;
- Legislation that provides counties greater flexibility in levying and using currently-authorized local revenue sources and enhancing their authority to pledge revenues for bonding; and
- Restoring funding for the Rural Infrastructure Trust Fund to \$4 million dollars.

URBAN GROWTH POLICY

Urban Growth Study: To help promote urban growth, reduce sprawl-type development, and preserve agricultural areas, FAC **SUPPORTS** the development of a comprehensive state urban growth policy. To help facilitate the development of this policy, FAC **PROPOSES** that the Legislature undertake a comprehensive review of this

issue, with the goal of developing a broad set of recommendations that can be implemented at both the state and local level.

RURAL GROWTH ISSUES

→ FAC recognizes that rural areas play an important role in our state's economy, environment, agriculture, and cultural history. However, from a planning perspective, these areas have received much less attention than their urban and suburban counterparts. In view of this, FAC **SUPPORTS** the following:

- Allowing slow/no-growth counties to request that their Evaluation and Appraisal Reports be deferred.
- Restoring the full amount of local technical assistance monies (\$3.2 million) to the Department of Community Affairs, as originally provided under SB 360 (2005);
- Targeted technical assistance to small counties for specific comprehensive planning functions, including Rural Land Stewardship Area (RLSA) issues;
- A pilot growth management training program for small counties;
- ~~Special consideration by the DCA in its review of small county comprehensive plans, plan amendments, and Evaluation and Appraisal Reports;~~
- ~~Limited changes to Ch. 163 that would create incentives for counties to adopt specific rural policies addressing growth, agriculture protection, and rural lands protection; and~~
- ~~Limited changes to Ch. 163 requiring counties that propose to submit a RLSA application to develop specific rural policies, optional sector plan, or similar rural strategy as a prerequisite for submitting the RLSA.~~

Small County Technical Assistance (SCTAS): SUPPORT restoring state funding to the SCTAS program, which has provided essential technical assistance to Florida's small counties for more than a decade. **SUPPORT** moving the SCTAS program to the Department of Community Affairs.

REGIONAL PLANNING ISSUES

Regional Planning Councils (RPCs): SUPPORT changes to Ch. 163 to 1) allow RPCs to set a date which a proposed or adopted land use amendment must be submitted in order to be placed on a specific council agenda and 2) allow a one-time deferral (to the next RPC meeting) of a proposed or adopted land use amendment found inconsistent to address the inconsistency. **SUPPORT** strengthening the RPCs by 1) including RPCs in the definition of "Local Government" in growth management statutes and 2) removing provisions in Florida law that prohibit a finding of non-compliance related to a local government's comprehensive plan based solely on an inconsistency finding with the applicable Strategic Regional Policy Plans developed by the RPC.

SUPPORT legislative efforts that would establish standards for providing a regional visioning process to the Strategic Regional Policy Plans.

OTHER GROWTH MANAGEMENT ISSUES

Affordable Housing: **SUPPORT** retaining the full amount of dedicated documentary tax revenues towards state and local affordable housing programs. **OPPOSE** legislative efforts that restrict or otherwise limit county home rule authority to use linkage fees for affordable housing.

Environmental Planning Section

Diana Ferguson, Legislative Staff Attorney
Email: dferguson@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

Beach Access by the Public: **SUPPORT** legislation which preserves public access to and along beaches and state water bodies and which preserves county regulatory power.

Beach Renourishment: **SUPPORT** continuation of a dedicated state funding source for beach renourishment at or above statutory levels. **SUPPORT** legislation that protects the sovereign immunity of counties with regard to beach mitigation liability where a county conducts beach renourishment according to federal and state regulatory requirements. **OPPOSE** additional permitting of geotextile containers outside of the emergency rigid coastal armoring context. **OPPOSE** legislation that would require the use of geotextile containers in any given beach renourishment scenario.

Billboards: **OPPOSE** dilution of county authority to regulate billboards. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate billboards.

Dangerous Captive Wildlife: **SUPPORT** legislation or rulemaking that enhances interagency coordination between the Florida Fish and Wildlife Conservation Commission (FWC) and counties relating to land use and the siting of dangerous captive wildlife. **OPPOSE** legislation or rulemaking that purports to further preempt local government land use authority with regard to dangerous captive wildlife. **SUPPORT** either listing iguanas as a reptile of concern, or removing the current Class III permitting exemption for iguanas.

→ **Delegation:** **SUPPORT** legislation that allows for increased delegation to local governments where the resources exist to accept partial or complete delegation of environmental regulatory programs from the state. **OPPOSE** legislation that would require local programs to seek delegation, since many local environmental programs seek only to fill in the gaps of state and federal regulatory programs.

Energy – Alternative Sources: **SUPPORT** legislation that provides incentives for the agricultural development of alternative energy sources, as well as incentives for development of infrastructure and usage of alternative energy sources. **SUPPORT** continued funding to the Department of Agriculture and Consumer Services to provide grant funds for the development and study of alternative energy sources. **SUPPORT** legislation to incentivize increased usage of alternative energies and fuels in all governmental fleets and buildings as well as the private sector.

SUPPORT legislation that incentivizes the development of alternative energy sources. However, **OPPOSE**, legislation that further preempts local land use authority with

regard to power plant and transmission line siting and the siting of alternative energy sources.

Energy – Renewables: **SUPPORT** legislation that creates a Clean Portfolio Standard (CPS) for the State of Florida. **SUPPORT** adding biomass to the definition of renewable energy contained in Chapter 366 of the Florida Statutes.

Energy – State Plan: **SUPPORT** a state comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Additionally, **SUPPORT** state funding sources to assist local governments in developing and implementing necessary climate change initiatives. **SUPPORT** legislation that allows constitutional officers to implement a four day work week, but **OPPOSE** legislation that requires local governments to implement nontraditional working hours.

Energy – Solar: **SUPPORT** legislation that streamlines permitting and regulatory processes for solar products and installers. **SUPPORT** legislative incentives to encourage net metering and feed-in tariff programs. **SUPPORT** regulatory clarification that net metering should apply to each customer, as opposed to each meter, so that condominiums and other multi-unit buildings installing a single solar system can apply the benefit to multiple users.

SUPPORT legislation that allows manufacturers of solar products to train contractors and supervise the installation of their products, without being required to obtain a contracting license. **SUPPORT** legislation that either removes the requirement for the Florida Solar Energy Center (FSEC) to approve solar products for sale in Florida, or that requires FSEC to select nationally-recognized standards for use in its testing and approval process. If FSEC continues to test and approve products, **SUPPORT** legislation that requires FSEC to submit a plan to the Legislature for reducing its current two-year backlog.

SUPPORT incentives to promote the use of solar power purchase agreements and solar leases. Additionally, **SUPPORT** specific statutory authorization, if needed, for local governments to create energy financing districts on a voluntary basis.

Energy – Technical Assistance: **SUPPORT** legislation that provides incentives for local governments to assist in state energy policies such as green building and carbon emission reductions. **SUPPORT** legislation that would provide technical assistance funding for counties in implementing carbon emission reduction programs. **SUPPORT** legislation that would provide technical assistance funding for counties to review and revise their comprehensive plans and land development regulations or codes so that they are compatible with initiatives to reduce carbon emissions by, among other things,

promoting green building and low impact development concepts. **OPPOSE** legislation that would result in additional energy-related mandates to county government without funding to implement such mandates.

→ **Environmental Regulation and Permitting:** **OPPOSE** legislation that preempts local authority with regard to environmental regulation and enforcement. FAC is concerned that recent legislative proposals relating to environmental permitting have been overly broad in nature, such that there would be adverse consequences to growth management and environmental protection in Florida. FAC **SUPPORTS** legislation that is thoroughly vetted with all stakeholders, and that takes a targeted approach to increasing regulatory efficiencies, rather than broadly preempting local governments. **OPPOSE** legislation that prevents counties from having local environmental programs that are stricter in nature than state or federal regulatory programs. **SUPPORT** legislation that authorizes the Department of Environmental Protection (DEP) and water management districts to develop a general permit for local government environmental restoration and enhancement projects, particularly as these activities pertain to implementation of the Total Maximum Daily Load (TMDL) program.

Florida Forever: **SUPPORT** the continuation of the Florida Forever land acquisition program, to the extent the program is sufficient to acquire land for the protection of natural resources and green spaces. **SUPPORT** continuation of a dedicated state funding source which provides local match funding for local land acquisition. **OPPOSE** any efforts to undermine local government zoning authority. **SUPPORT** legislation that would require land acquisition projects to be ranked according to their consistency with the local comprehensive plan.

Management of Conservation Lands: **SUPPORT** legislation that provides future state funding for the maintenance and management of conservation lands transferred to county control. **SUPPORT** legislation that provides for improved management of state lands and public access to those lands.

Mining: **OPPOSE** legislation that reduces or eliminates the county government role in siting mines for the production of construction aggregate or other minerals. **OPPOSE** legislation that would prevent the ability of counties to regulate local concerns relating to the operation of mines including, but not limited to, hours of operation, noise, traffic, and dust. **SUPPORT** legislation that addresses Florida's failing port and rail infrastructure in a meaningful way, so that construction aggregate can be economically imported. **SUPPORT** legislation that provides incentives for the increased use of recycled industrial materials in construction, to lessen the need for new mines.

→ **Offshore Energy Exploration:** ~~FAC is CONCERNED that the Florida legislature may consider authorizing drilling for oil and gas off of Florida's Gulf Coast. Florida's counties have varying and diverse opinions on this controversial issue. However, if an offshore energy exploration program is created, FAC would~~ **OPPOSE** any preemption of local

~~government land use regulatory authority. Local governments must have the authority to ensure that refineries and other associated infrastructure are sited in the proper place.~~

~~Our members have expressed concerns that drilling off Florida's Gulf Coast will not lead to greater energy independence in a global market, and it will not reduce the price of gasoline. Further, our members strongly **SUPPORT** the development of alternative energy sources, and there is concern that continued use of fossil fuels will not encourage the use of those alternative energy sources.~~

~~Additionally, FAC would **OPPOSE** any proposed or planned drilling operations in the Gulf of Mexico that would impair, restrict or negatively impact the ability of the United States military, and specifically Eglin Air Force Base, Tyndall Air Force Base, Hurlburt Field, Duke Field or the NAS Pensacola assigned, tenant, remote and/or guest units, to fully utilize the existing Joint Gulf Range Complex (JGRC) airspace and surface waters for ongoing or planned aircraft test, weapons test and/or training missions.~~

~~While there is not consensus on all of the issues involved, there is consensus that if the legislature chooses to address this issue, it should do so in a thoughtful and well-reasoned manner. All interested stakeholders should have the opportunity to provide their questions, comments, and concerns. The Legislature should strongly consider scheduling town hall meetings across the state so that citizens who may not be able to travel to Tallahassee can participate in the discussion.~~

~~Should the Legislature address this issue during the 2010 Regular Session, there are several critical policy questions that need to be answered, including:~~

- ~~• How can the legislature provide the utmost environmental protection for Florida's beaches, to protect Florida's unique environmental character as well as our tourism-based economy?~~
- ~~• Are there different environmental concerns surrounding natural gas and oil? Are there different environmental concerns in different regions of the Gulf Coast? How can those specific environmental concerns be addressed separately?~~
- ~~• What infrastructure will be needed to support offshore energy exploration? Does that infrastructure currently exist? If not, what will be the impact of new infrastructure, from both a growth management and environmental perspective?~~
- ~~• What would the economic impact be to Florida in the event of a spill? What protections can be put in place so that Florida's economy is not placed at risk?~~
- ~~• How would Florida's economy benefit from an offshore energy exploration program?~~
- ~~• How can we adequately protect offshore sand sources so that we will have the resources to restore and renourish our beaches in the future?~~
- ~~• Are there issues that need to be addressed in order to prevent conflict with military operations in the panhandle?~~

~~In the event that the legislature answers these questions and decides to move forward with an offshore energy exploration program, there should be a discussion of how the financial benefits realized as a result of oil and gas leases will be allocated. FAC would encourage the following prioritization:~~

- ~~• An appropriate and fair revenue sharing program with local governments;~~
- ~~• Environmental programs, including beach renourishment, water supply and water quality programs, and the inland protection trust fund; and~~
- ~~• A statewide disaster fund in the event of a spill, which should include an economic development fund to address local government and business recovery from the impact of a spill.~~

→ **Recycling: SUPPORT** legislation that provides appropriate resources and incentives to local governments to achieve any statewide recycling goals. In order to accurately account for Florida's recycling efforts, there should be a recycling credit for municipal solid waste (biomass) used in the production of renewable energy that specifically includes waste-to-energy and all other materials that are recycled. However, the current definition of "recovered materials" should not be used to further preempt local governments in this area, and FAC would **OPPOSE** any effort to do this. Any recycling plan promulgated by the state must take markets into account, as well as the fiscal situation that local governments are currently facing.

Additionally, **OPPOSE** legislation that imposes fees or taxes on local governments for collecting waste, which is an essential governmental service. ~~**SUPPORT** legislation that removes the requirement for all counties to participate in composting and that removes the regulatory burden for counties to prove to DEP that they cannot implement a composting program.~~

Solid Waste Management: SUPPORT reinstating state funding of Solid Waste Management Grants. **SUPPORT** maintaining the waste tire fee as a dedicated revenue source for funding mosquito control programs and waste tire recycling.

Solid Waste-Construction & Demolition Debris ("C&D") Collection, Recycling and Disposal: OPPOSE preemption of county authority to franchise and otherwise regulate C&D haulers, recyclers, or disposal facilities.

Sovereign Submerged Lands: SUPPORT the current case law definition of the "ordinary high water mark" delineating state lands from lands in private ownership and **OPPOSE** any changes to the definition which have the effect of transferring large quantities of wetlands and uplands from state ownership to private ownership.

Vessels and Waterways: SUPPORT continued state funding of derelict vessel removal. **SUPPORT** legislation that provides public access to waterways and preserves

county regulatory power. **SUPPORT** continued state and local regulation of vessels, mooring fields, bulkheads and seawalls, floating vessel platforms, and seagrasses in order to protect water quality. **OPPOSE** further dilution of county authority to regulate vessels and waterways. **SUPPORT** greater county authority to regulate vessels in navigation outside of mooring fields. **OPPOSE** further attempts to preempt local government authority to regulate vessels. **SUPPORT** legislation that authorizes local governments to create a trust fund to pay for enhanced manatee protection, including improved law enforcement, in lieu of or in addition to providing DEP with a list of

Water – Fertilizer and Landscaping: **OPPOSE** preemption of county authority to regulate the use and application of fertilizer. **SUPPORT** enhanced statewide promotion of the Florida Green Industries Best Management Practices as a basic level of water quality protection. **SUPPORT** legislation that would allow counties to develop regional approaches to fertilizer and other water quality issues that take into account particular local concerns relating to geology and hydrology.

- **Water – Irrigation and Reclaimed Water:** Local governments have invested significant resources toward developing reclaimed water in order to conserve Florida's water resources; therefore, FAC **OPPOSES** additional regulations of reclaimed water by water management districts that are outside the scope of the water management district's statutory authority and that provide regulatory hurdles to the development of reclaimed water. **OPPOSE** statewide or regional regulations regarding irrigation that result in unfunded mandates to local government or preemption of local government ordinances. **SUPPORT** legislation that specifically authorizes local governments to promulgate irrigation ordinances, consistent with 373.228(4), F.S.

Water – Ocean Outfalls: **SUPPORT** legislation that provides adequate funding for the elimination of ocean outfalls of wastewater.

Water – Onsite Wastewater Treatment: **OPPOSE** legislation that would prevent counties from requiring mandatory hookup to central sewer. Local governments are best equipped to determine how to properly balance environmental concerns with the cost of providing for wastewater treatment to homeowners and businesses, whether by centralized sewer, advanced treatment units, performance based onsite wastewater systems, or conventional or passive onsite systems; therefore, **OPPOSE** legislation that would reduce the local role in determining how to best address wastewater issues locally.

- ~~**Water – Springs:** **SUPPORT** legislation that uses scientific data to protect water quality in Florida's springs and springsheds, and that coordinates with existing water quality programs, such as the TMDL program and the effort to develop numeric nutrient criteria. Any springs legislation should not duplicate the efforts of other state or federal regulatory programs, but should work with those programs to properly prioritize springs. Additionally, because many of the counties in springs areas are fiscally~~

~~constrained, FAC encourages the legislature to make funding for water quality improvements in springs areas a priority and to recognize the funding limitations of all counties, but especially fiscally constrained counties, in the current economy.~~

- **Water Supply – Governance: SUPPORT** legislation that would enhance local government participation in the water management district permitting and regulatory process. **OPPOSE** the legislative creation of a statewide water commission which redefines the water supply relationship among the state, water management districts, and local governments.
- **Water Supply Funding: SUPPORT** legislation that enhances regional and local financial capacity to address water resource and water supply development. **SUPPORT** legislation that enhances the flexibility of expenditures from the state, regional, and local funding sources to address water resource and supply development. **SUPPORT** the enhanced funding of the Water Protection and Sustainability Program within the DEP for alternative water supply development, water quality development and comprehensive water supply infrastructure needs. Specifically, **SUPPORT** renewed funding for alternative water supply projects, conservation, and the TMDL program. **SUPPORT** maintaining the current limitations on the use of Florida Forever funding for water resource development.
- **Water Supply – Pricing & Privatization: OPPOSE** legislation that shifts water supply allocation from a publicly regulated process to a market driven process. **OPPOSE** legislation that undermines the fundamental principles of Florida water law which establishes a right of use, not a right of ownership. **SUPPORT** legislation that preserves the fundamental principles of Florida water law which requires a showing that a proposed use of water is a reasonable-beneficial use, will not interfere with an existing legal use of water, and is consistent with the public interest to protect water and related natural resources. **SUPPORT** legislation consistent with the fundamental principles of Florida water law, that will allow water management districts the flexibility to work with local governments to establish procedures to manage reallocation efforts when regions have reached or surpassed their sustainable amount of water usage. **SUPPORT** legislation that removes the current sales tax exemption on bottled water.
- **Water Supply – Reservations: SUPPORT** the current authority of the DEP and the water management districts to create water reservations for the purpose of protecting natural resources and the public health and safety. **SUPPORT** legislation providing counties with input to DEP or the water management districts with respect to water reservation projects.
- **Water Supply – Transfer: OPPOSE** legislation that undermines existing Florida water law which states that a county in which water is withdrawn shall not be deprived directly or indirectly of the prior right to reasonable and beneficial use of water which is

required to supply the needs of that county's natural systems or any of the inhabitants or property owners therein. **SUPPORT** continuation of state law on local sources first.

Water Quality Credit Trading: **SUPPORT** expanding water quality credit trading beyond the current pilot project in the Lower St. Johns River only under the following conditions:

SUPPORT trading only when incorporated into an adopted Basin Management Action Plan or reasonable assurance document.

SUPPORT trading where credits are generated only by permit revisions that require a seller to go above and beyond minimum regulatory requirements.

OPPOSE trading where the buyer and seller are not within the same basin.

SUPPORT an accurate accounting mechanism for water quality credits which results in an overall improvement of water quality, where TMDLs are met or exceeded.

OPPOSE location factors that allow pollutant loads that result in hot spots or cumulative effects.

SUPPORT default uncertainty factors of 2:1 for stormwater best management practices and 3:1 for agricultural best management practices.

OPPOSE indefinite credit trading contracts. Credit trades should be reviewed periodically so that they are only short-term solutions rather than long-term ones.

Water Quality, Stormwater Management and Total Maximum Daily Loads (TMDLs): **SUPPORT** the continued or enhanced funding of the Water Protection and Sustainability Program within the DEP for TMDL and stormwater programs. **OPPOSE** legislation that would preempt county authority to regulate water quality or would restrict counties in implementing TMDLs. **SUPPORT** measures to preserve county authority to address water quality problems or those that provide flexibility to county governments in crafting solutions to water quality problems at the local level.

→ **Water Quality – Numeric Nutrient Criteria:** **SUPPORT** the development of science-based numeric nutrient criteria for Florida's waters. Any numeric standards should be technically and economically feasible. FAC encourages the United States Environmental Protection Agency (EPA) and DEP to ensure that any rulemaking processes rely upon sound science and include meaningful stakeholder participation. FAC encourages EPA to utilize the Scientific Advisory Board (SAB) to the maximum

extent possible in order to help ensure that the best science is used in developing water quality standards.

- **Water Quality — Reclassification of Florida's Waterbodies: SUPPORT** rulemaking that requires the concurrence of local governments with a local pollution control program pursuant to Section 403.182, F.S., as part of any effort to change the designated use of a waterbody. **SUPPORT** rulemaking which specifies that changes to the designated use of a waterbody shall not be used as justification for future degradation of the ambient water quality, as established prior to reclassification, and that the anti-degradation provisions of Chapter 62-302, F.A.C., remain in full effect.
- **Wetland Permitting: OPPOSE** dilution of county authority to establish and enforce wetland regulatory requirements. **OPPOSE** legislation that would require counties to permit wetland impacts in violation of local comprehensive plans, ordinances, or regulations. **SUPPORT** state funding to assist local governments with eliminating wastewater outfalls to water bodies.

Working Waterfronts: SUPPORT legislation that provides additional state and local funding sources and statutory provisions to assist local governments in the following: 1) the acquisition of property or the securing of development rights resulting in the preservation or enhancement of public access to Florida water bodies; 2) the preservation of recreational and commercial working waterfronts; and 3) the construction or maintenance of boating improvement projects.

Federal Issues:

Energy: SUPPORT fully funding the Federal Green Jobs Act of 2007. **SUPPORT** federal legislation that adopts stricter fuel efficiency standards at the national level to ensure uniformity of regulation.

Water Quality — Clean Water Restoration Act: SUPPORT legislation that:

- Clarifies the basis and scope of the Clean Water Act (CWA) jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term;
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources;
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connection to navigable waters;
- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than 3 months of the year as "navigable waters" or "waters of the United States"; and

- Relies upon CWA jurisdiction under Congress' commerce power to accomplish the objectives of the CWA and does not add the phrase "activities affecting such waters" to the definition of "navigable waters" or "waters of the United States".

Agriculture Section

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Agricultural Preemption: FAC recognizes that Florida's agricultural producers provide a tremendous service for Florida's citizens. Therefore, FAC **SUPPORTS** legislation that attempts to curb abuse of agricultural protections by developers, as this abuse is detrimental to both local governments and the agricultural community.

OPPOSE any efforts to further preempt local government regulations that pertain to agricultural lands. Local governments by and large have a good relationship with their agricultural communities. However, a blanket preemption of local regulation is attempted each legislative session, and this is not a good policy option. Local legislative actions are taken for a reason, and they should not be invalidated across the board.

Rural/Agricultural Preservation: **SUPPORT** funding the Rural and Family Lands Protection Act to allow for the purchase of rural lands protection easements to prevent the subdivision and conversion of such land into other uses. **SUPPORT** the implementation of Rural Land Stewardship Areas (RLSAs) pursuant to s. 163.3177, F.S., to maintain the economic value of rural land, protect the character of Florida's rural areas, ensure the viability of Florida's agricultural economy, and control urban sprawl. **SUPPORT** legislation that provides local match funding for technical assistance and planning money for counties to implement RLSAs. **OPPOSE** legislation that seeks to unfairly alter current property rights law by ignoring the principles of reasonable investment backed expectation, creating unwarranted privileges for speculative land uses. **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances which regulate land use and environmental issues.

Sustainable Agriculture: **SUPPORT** legislation that encourages and incentivizes sustainable agriculture, to maximize local food production.

Federal Issues:

Farm (Agriculture) Reauthorization: **SUPPORT** reauthorization and continued flexibility of the Rural Community Advancement Program (RCAP) for housing, utilities and economic development.



**Health & Human Services
Policy Committee**
DRAFT 2011 Draft Policy Statements

Health Care Section

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- **Emergency Medical Services (EMS):** **SUPPORT** ~~efforts to maximize reimbursement from third party payers to County EMS providers.~~ **SUPPORT** ST Segment Elevated Myocardial Infarction (STEMI) legislation that leads to better coordination of care without imposing additional liability or administrative costs on county government. **OPPOSE** legislation that preempts county authority to regulate use or register distribution of Automatic External Defibrillators (AEDs). **SUPPORT** a cost recovery mechanism if county provided training is mandated.
- **Behavioral Health System:** **SUPPORT** appropriate funding for core mental health and substance abuse services. **SUPPORT** continued efforts to work through Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served. **OPPOSE** diversion of current local funding, including but not limited to, diverting funding provided for non-Medicaid patients to Medicaid managed behavioral health care programs. **SUPPORT** ~~the expansion of crisis intervention team initiatives statewide to divert individuals with behavioral health conditions from jail incarceration.~~ **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.

Baker Act: **SUPPORT** appropriate funding as outlined in the existing state capacity formula for crisis mental health and substance abuse beds statewide. **SUPPORT** increased funding for public receiving facilities and maintaining funding for public facilities if new state general revenue is provided to private receiving facilities.

County Health Departments: **SUPPORT** maintaining state general revenue funding for county health departments, and **OPPOSE** any state reductions to the county health department trust funds. **SUPPORT** legislative efforts to retain Cost Based Reimbursement for County Health Departments. **SUPPORT** efforts to help county health departments prepare for expansion in the event that reform moves to additional counties. **SUPPORT** reinstating the exemption from rate control for county health departments.

Medicaid Nursing Home Services: **SUPPORT** a fair and equitable billing methodology for purposes of assessing the amount of county subsidization of the state's Medicaid expenditures for nursing home services. **SUPPORT** legislation that provides flexibility at the local level for counties to actively participate in the state's efforts to reduce unnecessary nursing home placement by allowing counties to re-direct their Medicaid match to fund local health care services or community-based care programs that will divert premature nursing home placement. **SUPPORT** utilizing dollars for job creation at the local level to allow patients to age in place. **OPPOSE** any increase to the County contribution for Medicaid nursing home services.

Medicaid Reform: **SUPPORT** legislation that fully maintains and preserves critical mandatory and optional Medicaid services such as the Medically Needy program without imposing additional costs on local governments.

SUPPORT Medicaid reform that considers the uniqueness of each of Florida's counties.

SUPPORT efforts to ensure that county health departments are able to provide primary care and other health care services.

SUPPORT effective external choice counseling and case management that ensures Medicaid service recipients receive the level and intensity of services that meets their needs and promotes wellness.

SUPPORT external quality assurance monitoring and measures that hold managed care plans and provider service networks accountable for appropriate care.

SUPPORT modifications to Medicaid's drug formulary that ensure access to medically necessary prescription drugs, including, but not limited to, access to medically needed psychotropic medications.

OPPOSE expansion of Medicaid reform pilot to additional counties until the issues identified have been satisfactorily resolved.

→ **Long-Term Care Medicaid Reform:** **SUPPORT** cautious implementation of long-term care pilots. **OPPOSE** actions that shift costs from the state to local governments, communities and service providers. **SUPPORT** annual financial monitoring and review of capitated rates to insure appropriate coverage of the required spectrum of elder care needs.

Medical Homes Pilot Project: **SUPPORT** efforts to implement a Medicaid Medical Home pilot project that seeks to improve patient care through a patient centered, family centered, coordinated approach.

Human Services Section

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Homelessness: SUPPORT legislation that streamlines current state statutes relating to homelessness and associated programs.

→ **Relates to Homelessness**

→ **Transportation Disadvantaged (TD): SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system per Chapter 427, F.S. **SUPPORT** efforts to avoid fragmentation, inefficient operation, and costly duplication of TD services. **SUPPORT** appropriate and dedicated state funding to counties for the TD program based upon data from actual ridership without shifting the responsibilities of these funding services to local governments. ~~**SUPPORT** legislation that provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using an allocation methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level.~~

Community Care for the Elderly: SUPPORT restoration and expansion of state funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.

Choose Life License Plate Revenue: SUPPORT legislation that will give counties more flexibility in redistributing unused dollars generated from the sale of the Choose Life license plate to appropriate agencies.

Unclaimed Bodies: SUPPORT revisions to current statute that would clarify the responsibilities of counties in the disposition of remains, eliminate redundant language, and include an updated list of definitions.

→ **Relates to the Department of Health Reorganization**



Finance, Transportation & Administration Policy Committee

DRAFT 2011 Policy Statements

Finance Section

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Finance and Tax Policy

Unfunded Mandates: SUPPORT an amendment to Florida's constitution that provides meaningful enhancements to the existing unfunded mandates provision including, but not limited to:

- eliminates exemptions from unfunded mandates;
- provides greater public notice, legislative scrutiny and fiscal information;
- enhances accountability and transparency;
- preserves self-determination and local fiscal stewardship;
- provides a process to resolve conflicts and disputes; and
- requires legislative support through the development of implementing legislation.

Revenue & Expenditure Caps (TABOR): OPPOSE legislative or constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life.

Working Waterfront Property: SUPPORT implementing legislation authorizing defined properties to be assessed by factors other than highest and best use.

→ **Tourist Development Tax (TDT) / Sales Tax: SUPPORT** legislation that enhances the collection of existing TDT revenue not currently remitted by online travel companies, codifying case law that provides a definition of transient rentals to include intermediary transactions via internet resellers.

Streamlined Sales Tax: SUPPORT Florida's participation in the Streamlined Sales Tax Compact to require remote vendors to collect and remit Florida's state and local option sales tax.

- ~~**Non-Homestead Assessment Cap: SUPPORT**~~ amending and/or revising current law proposed for the fall 2010 referendum to produce an aggregate assessment growth cap of 5% of both homesteaded and non-homesteaded property.

Budget and Finance Administration

County Budget Process: SUPPORT providing greater accountability and transparency of county finances, including constitutional officers, in a cost efficient manner.

- **Clerk of Courts: SUPPORT** preserving Board of County Commission authority to determine financial responsibilities as it relates to financial management and post-audit functions.

911 Fees: SUPPORT the most effective and efficient method of implementation of the collection of 911 fees on wireless pre-paid calling cards.

Local Business Tax: SUPPORT authorizing counties to reclassify businesses, professions and occupations for a more simplified, efficient and equitable tax system that benefits business and local governments.

- **Credit Unions: SUPPORT** authorizing credit unions to possess the ability to accept public (government) deposits.

Appropriations

- ~~**Conservation Use Property Tax Assessment Classification: SUPPORT**~~ full funding for the legislative commitment to offset the impact of the constitutional amendment on fiscally constrained counties.
- ~~**Inland Protection Trust Fund: SUPPORT**~~ restoring funding to the Inland Protection Trust Fund (IPTF) for the statewide cleanup of petroleum contamination. This program is a highly successful public-private partnership that protects groundwater and public water supplies. Cuts to the petroleum cleanup program have been detrimental to the economy, affecting local governments and the private sector, and have severely limited the cleanup of contaminated properties.
- **Driver's License Issuance Fee: SUPPORT** increasing the statutory fee for the issuance of driver's licenses and related services to an amount that is adequate to cover the cost of the provision of the respective services.

Specific County Based Appropriations: SUPPORT maintaining current state appropriations critical to the delivery of public services at the county government level

as it relates to currently funded county based appropriations in the SFY 2010-2011 budget.

Other

- **~~Collection of Delinquent Property Taxes and Innovative Economic Development Programs:~~ SUPPORT** the further research and development of ideas to allow counties to leverage revenues from properties with delinquent taxes and foreclosure sales to purchase and develop properties for low and moderate income residents and other innovative economic development programs.
- **Economic Development: SUPPORT** creating an economic development marketing strategy for the recruitment of new businesses and expansion of existing businesses and industries in Florida (Enterprise Florida).

Federal Issues:

Three (3%) Percent Withholding Tax on County Purchases: SUPPORT repealing requirement for counties beginning in 2011 to withhold federal taxes on payments for services or products.

Transportation Section

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Transportation/Economic Stimulus:

Infrastructure Funding: SUPPORT restoring the statutory commitment from SB 360 (2005) directing documentary stamp tax revenues for transportation (\$541 million), water protection and sustainability (\$100 million), and for educational facilities (\$105 million).

- **Regional & Rural Transportation Funding: SUPPORT** legislation that authorizes regional transportation finance authorities to pledge a portion of the capacity improvement funds historically allocated to the respective transportation district from the State Transportation Trust Fund to finance eligible transit or transportation improvements over 30 years. ~~SUPPORT legislative efforts that create a dedicated funding source for Regional Transportation Authorities (RTAs), including but not limited to, allowing non-charter counties who are members of an RTA to levy the Charter County Transportation Surtax.~~ **SUPPORT** state funding for the Small County Road Assistance Program (SCRAP). **SUPPORT** continuing enhanced state funding for the Small County Outreach Program (SCOP).

Transit Grants: SUPPORT allowing funds appropriated to a regional transportation authority to be extended over a term of years.

State Transportation Trust Fund: OPPOSE any effort to divert revenues from the state transportation trust fund for non-transportation purposes.

Urban Transportation Funding: To help reduce greenhouse gas emissions, promote energy conservation, and lower the number of vehicle miles traveled, FAC **SUPPORTS** a change to the state's transportation funding investment policy by creating a more flexible and balanced allocation of funds between transit and traditional highway capacity improvements.

Transportation Trust Fund Flexibility: SUPPORT expanding the use of state transportation dollars to certain non-state roads that provide alternative access and reduce congestion on state roads.

Strategic Intermodal System (SIS): OPPOSE redirecting any state program funds to the SIS that currently benefits county transportation needs.

State Transportation Funding Policy: In view of the Florida Department of Transportation's (FDOTs) current transportation funding policy, which redirects capacity dollars from non-SIS roads to SIS roads, FAC **SUPPORTS** legislation that:

- Ensures the state's Other Arterial Capacity Program is not impacted by FDOT's SIS funding policies;
- Establishes a statutory funding cap preventing FDOT from allocating more than 65% of any "new discretionary highway capacity funds" to the SIS;
- Targets additional discretionary general revenue funds for the purpose of restoring transportation projects that have been delayed or eliminated as a result of increased project costs;
- Allows SIS-designated funds to be used for improvements to non-SIS facilities, including local roads, that provide alternative access and relieve SIS roads; and
- Increases funding for transit projects.

→ **Transportation Revenue Study Commission:** **SUPPORT** the creation of a State Transportation Revenue Study Commission. Such a commission should include elected county officials to examine the condition and future needs of our state's transportation system and alternative funding sources to support that system.

Public-Private Partnerships: FAC **OPPOSES** the State of Florida leasing any existing state-owned toll road to a private concessionaire without creating a more transparent and inclusive process for FDOT to follow when considering leasing state-owned toll roads. FAC **SUPPORTS** statutory changes that would:

- Include an early local government notification process;
- Allow local governments to provide comments to the agency prior to it soliciting proposals relating to the leasing of a toll road;
- Authorize the use of any remaining toll revenues from a lease agreement to be returned to the affected counties to provide funding for transportation related activities, including but not limited to, reimbursing counties for fire and emergency rescue services associated with the leased facility; and
- Authorize the use of any upfront revenues (a.k.a., lease payment) and any excess revenues from a lease agreement to include non-SIS facilities and other non-capacity projects, including transit, as identified by the Metropolitan Planning Organization within the county or counties where the lease road is located.

FAC **OPPOSES** the State of Florida's leasing of the Alligator Alley Toll Facility to a private concessionaire as contemplated by FDOT's Request for Qualifications.

Federal Issues:

Airport & Aviation Reauthorization: **SUPPORT** reauthorization of federal airport and aviation programs.

- Airport Improvement Program
- Rural Airports

Transportation Reauthorization: **SUPPORT** reauthorization of federal transportation programs.

- Distribution Formula
- Mass Transit/Rail

Administration Section

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Phone: 850-922-4300 or Fax: 850-488-7501

Ballot Initiative: SUPPORT an amendment to the statutes to provide that any special district created by special act or general law be required to submit any ballot initiative to the governing body of the county, or its designee, before placement on the ballot to determine legal sufficiency of said question.

→ **Collective Bargaining: SUPPORT** legislation clarifying that constitutional officers can resolve impasse issues at the discretion of the constitutional officer.

→ **Elections: SUPPORT** expanding the types of facilities for early voting and restoring hours on weekends to 8 hours per day at the discretion of the supervisor of elections. **SUPPORT** full state funding of all expenditures by supervisors of elections to comply with the requirements of the federal Help America Vote Act. ~~**SUPPORT** the extension of the 2012 deadline that requires new voting equipment for persons with disabilities found in s. 101.56075, F.S.~~

Eminent Domain: SUPPORT legislation related to eminent domain clarifying that the taking of multiple parcels can be approved through a single resolution.

→ **Florida Retirement System (FRS): OPPOSE** any FRS benefit changes that result in an increase in the FRS contribution rates. **SUPPORT** requiring all legislation that potentially results in an increase in the FRS contribution rate to be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and state government to be eligible for consideration.

→ **Pension Reform: SUPPORT or OPPOSE** benefit changes that result in a decrease in the FRS contribution rates.

Libraries: SUPPORT measures that ensure decisions and policies regarding county libraries are made at the local level. **OPPOSE** legislation that allows individuals to bring civil causes of action against counties relating to internet filtering devices and/or policies. **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent. As an interim step in accomplishing full funding, **SUPPORT** a \$10 million increase in state aid to public libraries. **SUPPORT** full funding of Public Library Construction Grant requests at \$12.4 million.

Medical Examiner Offices: SUPPORT the ability of county run medical examiner offices to collect reasonable fees for services provided as outlined in Chapter 406, F.S.

Procurement: **SUPPORT** the non-publishing of detailed bid estimates by creating an exemption for county and municipality projects in statute. **SUPPORT** establishing an optional (alternative) process for state and local entities to consider cost in the award of professional services agreements pursuant to the Consultants' Competitive Negotiation Act.

→ ~~**Public Funds Advocacy:** **SUPPORT** allowing counties and county officials to expend public funds for the purpose of education on ballot issues.~~

→ **Public Notice:** **SUPPORT** legislation allowing local governments to comply with public notice and legal advertisement requirements by means other than the newspaper.

Lease of County Property: **SUPPORT** establishing an expedited process for short term leases of county property.

Space Industry & Technology: **SUPPORT** the state's investment and continued financial commitment in Florida's role as a leader in space based research development and technology enhancements.

Statute of Limitations: **SUPPORT** legislative clarification defining the statute of limitations for civil actions for damages resulting from wrongful death claims against the state and its political subdivisions to bring them into parity with such claims against private parties.

Federal Issues:

National Commission on Intergovernmental Relations: **SUPPORT** the creation of the National Commission on Intergovernmental Relations to facilitate the fullest cooperation and coordination between federal, state and local governments.

Access to Federal Contracts: **SUPPORT** expanding authorization for local governments to use approved federal contracts and vendors to include conservation and green projects.



Federal Issues

DRAFT 2011 Policy Statements

John Wayne Smith, Legislative Director
Email: jsmith@fl-counties.com
Phone: 850-922-4300 Fax: 850-488-7501

Three (3%) Percent Withholding Tax on County Purchases: SUPPORT repealing requirement for counties beginning in 2011 to withhold federal taxes on payments for services or products.

Federal Benefits for Eligible Medicaid and Medicare Eligible Prisoners: SUPPORT allowing persons charged and incarcerated, but not convicted, to continue to be eligible for federal medical benefits until such time as they may be convicted and sentenced to a prison facility.

Airport & Aviation Reauthorization: SUPPORT reauthorization of federal airport and aviation programs.

- Airport Improvement Program
- Rural Airports

Transportation Reauthorization: SUPPORT reauthorization of federal transportation programs.

- Distribution formula
- Mass transit/Rail

National Commission on Intergovernmental Relations: SUPPORT creation of the National Commission on Intergovernmental Relations to facilitate the fullest cooperation and coordination between federal, state and local governments.

Farm (Agriculture) Reauthorization: SUPPORT reauthorization and continued flexibility of the Rural Community Advancement Program (RCAP) for housing, utilities and economic development.

Access to Federal Contracts: SUPPORT expanding authorization for local governments to use approved federal contracts and vendors to include conservation and green projects.

Water Quality – Clean Water Restoration Act: SUPPORT legislation that:

- Clarifies the basis and scope of the Clean Water Act (CWA) jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term;
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources;
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connection to navigable waters;
- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than 3 months of the year as "navigable waters" or "waters of the United States"; and
- Relies upon CWA jurisdiction under Congress' commerce power to accomplish the objectives of the CWA and does not add the phrase "activities affecting such waters" to the definition of "navigable waters" or "waters of the United States".

→ **Oil Pollution Act of 1990 (OPA) / Florida Recovery: SUPPORT** revisions to OPA that provide greater participation from local governments in clean up and mitigation efforts. **SUPPORT** revisions to OPA that establish an independent third party administrator with a separate escrow account for public sector claims.

→ **Property Assessed Clean Energy (PACE): FAC SUPPORTS** federal legislation that prohibits Fannie Mae and Freddie Mac from refusing to purchase mortgages with PACE assessments attached to them.

2011 Federal Legislative Session
Legislative Proposal

Department / Division: County Administration Contact Person: Ken Morris
Phone: 606-5300 Fax: 606-5301 E-Mail: Morrisk@leoncountyfl.gov
Topic: PACE

Problem/Need:

On April 22, 2010, the Board adopted an ordinance creating the Leon County Energy Improvement District, known as the Leon Energy Assistance Program (LEAP), which provides for property accessed clean energy (PACE) and certain energy improvements and weatherization programs for both homes and businesses in Leon County.

Recently, concerns have been raised from certain residential mortgage lenders because PACE financing takes a senior lien position in terms of property-based debt repayment obligations. Specifically, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) assert that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to take actions that they restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs such as Leon County.

HR 5766 was filed in the U.S. House of Representatives to prevent FHFA, Fannie, and Freddie from negatively impacting programs that meet certain guidelines that have been published by the Department of Energy. These guidelines were incorporated into the enabling ordinance when the Board established Leon County's program. The passage of the bill seems unlikely at this time.

On September 21, 2010 the Board directed the County Attorney to institute litigation against FHFA, Fannie Mae and Freddie Mac. The suit was filed on October 8, 2010. Staff has also prepared a draft Resolution urging Congress, FHFA, Fannie, and Freddie to enact favorable legislation to empower PACE programs, which will be formally adopted by the Board upon ratification of the workshop on state and federal legislative priorities.

Recommended County Position, Recommended Change in Federal Statutes:

Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

Attachment:

Draft Resolution urging Congress, FHFA, Fannie, and Freddie to enact favorable legislation to empower PACE programs.

RESOLUTION: 2010-_____

A RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY,
FLORIDA, IN SUPPORT OF IMMEDIATE CONGRESSIONAL ACTION TO AUTHORIZE
LEGISLATION ALLOWING PROPERTY ASSESSED CLEAN ENERGY ("PACE")
PROGRAMS.

WHEREAS, PACE programs can be created by local and state governments allowing property owners to voluntarily finance energy retrofits over a set number of years; and

WHEREAS, PACE financing programs are an innovative local government solution to finance energy efficiency improvements such as weather-stripping, air duct sealing, insulation, heating, ventilating and air condition ("HVAC") controls, lighting, etc.; and

WHEREAS, PACE programs can increase the accessibility and affordability of energy savings measures, consequently lowering energy bills to residents, reducing environmental footprints in participating localities and creating opportunities for private industries and local jobs; and

WHEREAS, the White House and the U.S. Department of Energy strongly support PACE, have directed funding to develop local PACE programs and issued guidelines to ensure that PACE programs meet safety and soundness requirements adequately protecting lenders and property owners; and

WHEREAS, over twenty states have passed laws enabling local governments to develop PACE programs; and

WHEREAS, during the 2010 session, the Florida Legislature passed HB 7179, which provided explicit and supplemental authority for the creation of voluntary energy finance districts; and

WHEREAS, on March 23, 2010, the Board authorized the development of the Leon Energy Assistance Program ("LEAP") with one component including 100 free home energy audits required to secure financing for energy efficiency improvements; and

WHEREAS, the LEAP program was met with great enthusiasm and interest from the community as all 100 energy audit participants were registered within 24 hours of opening; and

WHEREAS, on April 13, 2010, the Board adopted Ordinance No.10-12, which is consistent with HB 7179, and which formed an Energy Improvement District for the purpose of encouraging, accommodating, and financing energy efficiency improvements on residential and commercial properties making Leon County the first in Florida to enact such a program; and

WHEREAS, despite PACE's great promise, the Federal Housing Finance Agency ("FHFA") and the Office of the Comptroller of the Currency ("OCC") on July 6, 2010 issued statements that prohibited Fannie Mae and Freddie Mac mortgagees from participating in PACE programs, effectively forcing existing PACE programs to halt operations and freezing the development of dozens of PACE programs nationwide; and

WHEREAS, it has been found that approximately 50% of the LEAP participants currently hold a mortgage through either Fannie Mae or Freddie Mac and would thereby not be eligible to participate in the LEAP program financing; and

WHEREAS, consistent with HB 7179, the Leon County Board of County Commissioners finds that the development and implementation of a PACE program is in the public interest and in the best interest of the health, safety, and economic welfare of the citizens of Leon County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. That the foregoing recitals are hereby incorporated by reference herein.

2. That the Board of County Commissioners of Leon County, Florida hereby urges Congress, the Federal Housing Finance Agency, Fannie Mae and Freddie Mac to revise policies and enact legislation clarifying the authority of local governments to enact property assessed clean energy (PACE) financing programs just like other local taxing districts.

3. That the Board of County Commissioners of Leon County, Florida hereby urges the Florida Congressional delegation to support legislation that clearly guarantees local governments the right to assess special taxes for energy efficiency programs and restores the promise of PACE.

4. That the County Administrator or designee is hereby directed to transmit a certified copy of this resolution to President Barack Obama, Senators Bill Nelson and George LeMieux, the members of the Leon County Congressional Delegation, the Acting Director of the Federal Housing Finance Agency, the President and Chief Executive Officer of Fannie Mae and the Chief Executive Officer of Freddie Mac.

5. That the Chairman of the Board of County Commissioners and the County Administrator are authorized to write letters to Florida's Congressional and State delegations asking for their support and to indicate Leon County's support for future local, regional, and statewide PACE initiatives.

DONE AND ADOPTED by the Board of County Commissioners of Leon County,
Florida, on this the 19th day of October 2010.

LEON COUNTY, FLORIDA

BY: _____
Bob Rackleff, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: _____
Herbert W. A. Thiele
County Attorney

PATTON BOGGS LLP

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315

MEMORANDUM

To: Leon County Board of County Commissioners
From: Patton Boggs LLP
Date: October 10, 2010
Subject: September Monthly Update

This memo provides an overview of Congressional and Executive Branch activities during the month of September. This update includes the status of Fiscal Year 2011 appropriations, the passage of the Small Business Jobs Act of 2010, the status of the PACE program, an update on recent legislation introduced concerning the Apalachicola-Chattahoochee-Flint water issue and the status of potential new water quality standards for Florida.

Update on Congressional Appropriations Process

None of the 12 regular spending bills have been cleared for Fiscal Year 2011, which started Oct. 1. As such, at the end of September Congress passed a Continuing Resolution (CR) that will fund federal government agencies mostly at FY 2010 levels. This is a short-term CR that began Oct. 1 and will last only through December 3, 2010. When Congress returns from the November elections, we anticipate an omnibus appropriations bill to be considered during the lame-duck session in order to complete the all of the FY 2011 appropriations bills.

Small Business Jobs Act of 2010

On Monday, September 27th, the President signed into law the recently passed Small Business Jobs Act of 2010.

The Small Business Jobs Act creates a \$30 billion fund for community banks to lend to small businesses and includes \$12 billion in small-business tax breaks. A breakdown of the provisions of the Act is provided below.

The Small Business Jobs Act:

- Gives small businesses \$12 billion in tax cuts.
- Intends to help small businesses create 500,000 new jobs.
- Helps small business owners access private capital to finance expansions and hire new workers.
- Rewards entrepreneurs for investing in new small businesses.
- Intends to help "Main Street" businesses compete with larger corporations.

Helps Small Businesses Access Capital:

- Incentivizes investors by granting 100% exclusion from capital gains taxes on small business investments.
- Makes available \$1.5 billion in grants to support \$15 billion in new small business lending through state programs.
- Reduces tax burden for small businesses by allowing them to carry back general business tax credits to offset tax burdens from the previous five years. Small businesses will also be able to count general business credits against the Alternative Minimum Tax (AMT).
- Creates a targeted \$30 billion Small Business Lending Fund to provide small community banks with capital to increase small business lending.
- Increases Small Business Administration (SBA) loan limits, improves access and lowers costs for small business to access SBA loans.

Increases Small Businesses' Ability to Make Investments:

- Increases Section 179 expensing – permitting up to \$500,000 in capital investments that businesses can expense.
- Extends Bonus Depreciation – allowing taxpayers to immediately write off 50 percent of the cost of new equipment.

Promotes Entrepreneurship:

- Increases to \$10,000 the tax deduction for start-up expenditures – doubling the current levels.
- Creates new tools to help small businesses export goods.
- Establishes a new State Export Promotion Grant Program (STEP), which would increase the number of small businesses that export goods to other countries.

Promotes Fairness in Competition:

- Prevents small businesses from incurring tax penalties aimed at large corporations investing in tax shelters.
- Allows self-employed individuals to deduct health insurance costs for purposes of paying the self-employment tax.
- Clarifies that no single contracting program receives priority over another program when competing for federal contracts.

Property-Assessed Clean Energy (PACE) Program

The Federal Housing and Financing Agency (FHFA) has continued to harden its position against PACE loans. Recently FHFA noted that borrowers with existing PACE loans with sufficient equity in their homes must pay off the loans before refinancing. Those homeowners with existing PACE loans without enough equity to take cash out of their home to pay off the lien would be able to refinance with the loan in place.

Nevertheless, the FHFA is seemingly refusing to allow any current or new PACE programs to proceed. The Obama Administration and Congress have been attempting to negotiate with FHFA concerning the PACE issue, however, FHFA's Acting Director, Edward J. DeMarco, sent a letter to Representative Ed Perlmutter (D CO-7), stating that those discussions had failed and reiterated the agency's opposition to the program.

As such, it appears that a legislative solution to the PACE issue is the only viable option. House sponsors recently proposed an amendment to the Rural Energy Savings Program bill, but the amendment was ruled non-germane and did not pass the House Rules Committee. In addition, any legislative PACE solution still is in need of bipartisan sponsors, which continue to be difficult to find.

While the PACE program continues to be stalled by the FHFA, some cities and counties are beginning to pursue alternatives. For example, one alternative to PACE is to work with utilities such as the City of Portland and State of Oregon have done with the Clean Energy Works Portland program. Portland was awarded a \$20 million grant from the U.S. Department of Energy's Better Buildings program. A new non-profit company, Clean Energy Works Oregon Inc., has been created to serve as the capital aggregation and service delivery platform for roll out of energy efficiency upgrades serving a wide range of customers, communities, and buildings. By serving as a pass-through conduit for on-bill repayment, utilities typically can offer investors and lenders a reliable repayment mechanism with low historic default rates. Utilities already provide financial and technical incentives for clean-energy initiatives, but the simple service of on-bill repayment may offer even more support for energy investment in the long run. Proponents of this alternative note that the concept is a logical fit as utility companies exist to deliver energy services to their customers.

Apalachicola-Chattahoochee-Flint Water Issue

Background -- Lake Lanier is located in the Chattahoochee River's headwaters just north of Atlanta and has become the main water source for metro Atlanta, sustaining 3.5 million people. The reservoir was built by the Army Corps of Engineers in the 1950s and was authorized by Congress for flood control, navigation and hydropower. Georgia argues that water supply was also an intent of the federal project. Alabama and Florida argue the opposite, claiming the Corps is holding back too much water in Lake Lanier for unauthorized water supply.

Current Status -- On July 17, 2009, Federal Judge Paul Magnuson agreed with Alabama and Florida and gave all three states three years to come up with a water-sharing plan before metro Atlanta's ability to rely on Lanier would be reduced significantly.

However recently, on Thursday, September 30th, Georgia Republican Senators Johnny Isakson and Saxby Chambliss introduced legislation to legalize metro Atlanta's disputed withdrawals of drinking water from Lake Lanier. The Senators introduced four pieces of legislation (S12, S3911, S3910 and S13) which would: designate Lake Lanier and Lake Allatoona for the purpose of municipal and industrial supply; mandate documentation in the Apalachicola-Chattahoochee-Flint River Basin water control manual all current and future withdrawals; and provide a water return credit that would allow cities and counties who withdraw water from a federal reservoir to subtract the amount

of water they return to the reservoir from a wastewater or water supply system from their total withdrawal. Currently, local governments do not receive any credit for the treated water that they return to the reservoir.

It has been argued that while metro-Atlanta may be due some of the water, and to provide it from Lake Lanier is the most environmentally and economically sound solution, it is also argued that Georgia has not embraced the change of course that the July 17, 2009 ruling was intend to impart. It has been noted that Georgia instead has focused on costly and political options, including transfers of water from other river basins into metro Atlanta and the creation of expensive new reservoirs.

Recommendations -- Recommendations from the Tri-State Conservation Coalition include the following:

- End legal appeals and negotiate openly and honestly; include transparency, public debate and public scrutiny in the process;
- Introduce more protective regulations by State leaders in order to make available an equitable amount of clean water;
- Implement aggressive water and energy conservation and efficiency measures across all three states, especially metro Atlanta as this region has a higher than average use of water and energy;

All three states must agree on a uniform, basin-wide approach to collecting hydrological and ecological data, measuring water withdrawals and river flows and monitoring the health of the ecosystem in response to human alteration. Tri-State argues that no one can responsibly and sustainably manage anything that is not measured and monitored.

Potential Progress of Legislation -- Senator Isakson, who is running for re-election this fall, acknowledged that the legislation isn't likely to get the full consideration of Congress anytime soon. This is due to the fully packed lame-duck session that the Senate faces when it returns from the November elections. In addition, Republican Alabama Senator Richard Shelby proclaimed the proposed legislation "dead on arrival," in its current form. Nevertheless, this legislation has now been introduced, and adds another layer of pressure on the three governors in order to move negotiations before the legislation is considered seriously.

We are providing two Congressional Research Service reports (2007 and 2008) that have been written on the Apalachicola-Chattahoochee-Flint (ACF) Drought issue and will continue to monitor this issue and keep you informed of any developments (*Due to the size of these reports, they are available upon request. Please contact Ken Morris*).

Water Quality Standards for Florida's Lakes and Flowing Waters

The U.S. Environmental Protection Agency (EPA) is under a Consent Decree deadline to promulgate numeric nutrient water quality criteria -- elements of water quality standards -- for the State of Florida's lakes and flowing waters by November 14, 2010. EPA made a determination on January 14, 2009 that numeric nutrient water quality criteria are necessary for the state to meet the Clean Water Act (CWA) requirement to have standards to protect applicable designated uses. A separate rulemaking will follow for estuaries and coastal waters by January 2011.

We trust this information proves useful to you.

